

EXHIBIT A

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**SONIC-BUENA PARK H, INC. D/B/A BUENA
PARK HONDA**

Employer

and

Case 21-RC-178527

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
DISTRICT LODGE 190, LOCAL LODGE 1484,
AFL-CIO**

Petitioner

DECISION AND DIRECTION OF ELECTION

International Association of Machinists and Aerospace Workers, District Lodge 190, Local Lodge 1484, AFL-CIO ("Petitioner") seeks to represent a unit of 14 service technicians¹ employed by Sonic-Buena Park H, Inc. d/b/a Buena Park Honda ("the Employer") at its Buena Park, California, facility, where the Employer sells and services Honda automobiles.² The Petition, filed by Petitioner on June 17, 2016 ("Petition"), excludes from the unit all other employees, specifically excluding "hourly lube technicians." The Employer maintains that the unit sought by Petitioner is not appropriate and that the only appropriate unit must also include the following classifications employed by the Employer at its Buena Park facility: lube technicians (also referred to as quick service), porters, shuttle drivers, service advisors, parts drivers, counterpersons, and shipping and receiving personnel. With these classifications, the Employer seeks to include 24 additional employees in the unit.³

A hearing officer of the Board held a hearing in this matter, and the parties orally argued their respective positions prior to the close of the hearing. As described below, based on the record and relevant Board cases, including the Board's decision in *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB 934 (2011), enfd. 727 F.3d 552 (6th Cir. 2013), I

¹ The Petition is for a unit of technicians; however, on the record, they are referred to as service technicians or line technicians. To differentiate them from lube technicians, a classification that is at issue here, this decision will refer to the Petitioner's petitioned-for unit as "service technicians."

² The Petitioner and the Employer, in a joint stipulation admitted as Board Exhibit 2, made a joint motion to amend the petition and other formal documents to correctly reflect their names, which they also amended in that stipulation. I have granted this motion, and the Petitioner and the Employer are in this decision addressed by their corrected names.

³ One of those employees is a foreman of all of the technicians, who assigns work to all of the technicians (both service and lube) and is paid a salary. He is also a certified service technician. The record, however, does not include a complete discussion of his supervisory indicia under Section 2(11) of the Act, but the Petitioner maintains that the foreman is a supervisor. As such, I shall permit him to vote subject to challenge.

find that the petitioned-for unit for the Employer's full-time and regular part-time service technicians is appropriate, and the foreman service technician may vote subject to challenge.

I. FACTS

A. The Employer's Operations

The Employer is a Honda dealership and auto-repair facility located in Buena Park, California. It works in close connection with other Honda facilities,⁴ by delivering or picking up parts from those facilities, and also sharing a common Honda training facility that is located in Torrance, California, where some of its employees receive more advanced training.

The Employer's facility has indoor and outdoor components, and is made up of several departments, including the Service Department and the Parts Department.⁵ The indoor portion of the Employer's facility has a showroom, where several cars are displayed; multiple offices; the Parts Department; and part of the Service Department. The outdoor lot is where new and used cars are displayed and also has parking for customers with entrances to several parts of the building itself, including access to the Service Department and access to the showroom. Several of the Employer's managers, including the service director (who supervises the entire Service Department), sit in separate offices off of the Service Department. The Service Department has bays or lifts where cars to be serviced are parked; there are two bays for express service, entitled "quick lube," that are separated from the other bays by a divider wall.⁶ There is a Parts Department at the back of the showroom that is adjacent to the Service Department, which employees of the Service Department access on a daily basis.

The Employer has an electronic network called the VIS system: it is through this system that every aspect of customers' car repairs are logged by employees and recommendations for repairs are made, and it is also the system by which employees clock-in and -out of work. It is available on any work computer throughout the Employer's location, and employees can clock in and out from any computer.

B. Job Classifications Within Service Department

1. Service Technicians

⁴ The Employer presented an exhibit that was admitted into evidence: the collective-bargaining agreement at another Honda dealership, where the unit combines both lube and service technicians. However, there was no evidence presented as to how that Honda dealership is run or what the duties of the employees who work there are; there was no evidence presented as to whether this was a stipulated-to unit or one found appropriate pursuant to an NLRB hearing; and there was no evidence presented that a unit of only service technicians at that dealership would not have been an appropriate one.

⁵ The Employer seeks to include additional classifications of employees from both departments in the appropriate unit.

⁶ This entire area of the Service Department, where the bays are located and the repairs on cars are done, is often referred to as "the shop."

The service technicians work in the Employer's Service Department. Service technicians are certified in handling major car-repair issues, including fuel-emissions issues, electrical diagnostics, suspension, and brakes. They also handle recalls that the Honda company issues for certain parts of its cars, so that if a customer comes to the Employer's facility seeking to replace a recalled part, the service technician will take the job. Part of their job is also to diagnose a car with what problems it has when a customer complains about the car not working properly or an engine light being on. Service technicians must perform repairs on cars in accordance with dealership and factory standards. Service technicians are the only employees who are qualified to work on the engines and transmissions of cars. Service technicians will do the more basic work that a lube technician does (such as battery replacement, wiper blade replacement, and tire rotations), when that work is a part of a larger service ticket. Further, if the lube technicians are behind in their work and a service technician is free, the service technician can be assigned by the foreman to handle the more standard lube work. The service technicians have a range of expertise. For example, only one service technician is qualified to handle repairs on natural-gas vehicles for the Employer, and he has a special certification for this. The service technicians will also work together to determine major problems with a car or solutions to complicated issues. The service technicians are liable for any of the work that they have done on a car.

In order to qualify as a service technician for the Employer, the service technicians have to have at least two years of "line work."⁷ The service technicians must then continually take trainings and pass tests through the Employer's company website, and cannot perform certain repairs until they have passed the relevant test. The service technicians must also continually renew the skills they have obtained by repeating or updating their training. Some of the service technicians, it is unclear how many, have attended a school-like program run by the Honda company which trains them specifically on how to deal with Hondas. The training continues for the service technicians after they begin working for the Employer as a service technician, so that they can become more advanced in whatever skill the job requires. The service technicians are not paid for the training they do online.

The service technicians do not sit at desks: they work at bays that contain specialized lifts for cars to be repaired. The bays are located throughout a part of the Service Department referred to as the service technician shop. The service technicians log everything that they have done on a car or recommend for a car, on the Employer's VIS system.⁸

The service technicians report to two people: a foreman, Daniel Godoy, and the service director, Phan Nou. The service technicians interact mostly with Foreman Godoy and take their directives from him on a daily basis; however, they go to the service director when there is a particularly difficult issue with the car they are working on and they need to explain what work needs to be done to repair the car. Foreman Godoy, who is a certified service technician, does not regularly work on cars. When a car poses a particular issue, however, he will review it and decide what to do next; typically, he makes sure that the work on all of the cars in the shop is running smoothly, and distributes the work assignments, called Repair Orders or RO's, to the

⁷ The record reflects that line work is repair work that service technicians perform.

⁸ There are approximately seven computers in the area where the service technicians work.

service technicians.⁹ Foreman Godoy receives a Repair Order from a service advisor and reviews it to determine whether express service or repair work is required. If a car requires repair work, he will assign it to a service technician.

Once the service technician is assigned to a car, he picks it up from the lot where it is parked and drives it to the bay where he will be working on it. He inspects the car, runs diagnostics, and submits what is needed for the car, such as the repair or the parts or any recommendations, through the Employer's VIS system. This is sent either to the service advisor or to the Employer's parts department (which then sends it on to the service advisors). Any repairs that are authorized by the customer, the service technician will complete. When the service technician is done repairing the car, he will take it on a test drive to make sure that it is working properly, and then return to the car to the lot. The service technicians typically work from 7 AM or 8 AM to 4 PM or 5 PM. They do not have a set time for lunch, and will take their lunch breaks when their workload allows them to.

The service technicians are paid an hourly rate of \$20 (double the state minimum-wage) for every hour that they are at the Employer's location, and are paid a higher flat rate based on the amount of actual work that they do, such as \$22 per hour instead of \$20 per hour.¹⁰ All jobs that the service technicians do are assigned a set amount of time (e.g. front brake jobs are listed as automatically taking two hours), so if a service technician finishes a set job faster than the allotted time, he will still receive two hours of pay at the higher rate that service technicians make. The service technicians are the only employees of the Employer that are paid a higher flat rate for work (the other classifications are either paid on an hourly or commission basis, which is minimum wage plus commission).¹¹

The service technicians receive productivity ratings from the Employer, which measure the amount of time the service technician is clocked-in, versus the amount of time that the service technician works on car jobs. Every pay period, the service technicians' productivity ratings are all reported by the Employer on a board that is only for the service technicians, so that each service technician can see how the other service technicians rank.¹² Service technicians do not receive bonuses or monetary awards based on their productivity, however.

Service technicians have their own sets of equipment that they use that are valued at approximately thirty thousand dollars. Part of the equipment that service technicians must provide includes their own tools, worth thousands of dollars, which are necessary for the Employer's brand of car, Honda.¹³ The service technicians purchase these tools from the

⁹ He also distributes work to the lube technicians.

¹⁰ The service technician who testified described the amount of work that the technicians "flagged," and referred to each car service job as a "flag job." The amount of time that a service technician works on a service job is called "flag time," which is different from the physical time that the technician is physically at the Employer's location.

¹¹ This higher flat rate is also referred to as a production bonus by the Employer.

¹² Foreman Godoy's numbers are also ranked, but he always ranks less than 20% productive because he does not spend the majority of his time working on cars.

¹³ The service technicians are the only employees who must purchase and provide their own tools while working for the Employer.

Employer's training center at another location. There is also testing equipment for the cars that only certified service technicians are allowed to use (such as coolant-system testing, pressure testing, etc.).

The lifts in the car bays (which physically lift the vehicles) that the service technicians use are different from the ones that the lube technicians use: the service technicians' lifts are meant for longer, more complicated work, and operate by the use of posts that lift the car into the air from both sides of the car, rather than a platform that the car sits on. The service technicians must do a daily inspection of the lifts that they will be working on, and complete a form showing that they have done so. There are twenty-two lifts in the service-technician shop.

2. Lube Technicians¹⁴

The lube technicians, of which there are six, work in the express-quick-lube-service part of the Service Department. Though adjacent to the service technicians, the lube technicians are sectioned off by a wall and have their own lifts for cars. The lube technicians are supervised by a lead lube technician, and are also overseen by the service technician foreman, who assigns them express work and, on occasion, assigns them to work with service technicians. Finally, the lube technicians report to Service Director Phan Nou.

Lube technicians are paid hourly, and do not have a premium rate for specific jobs that they do. They are paid at least the state minimum-wage of \$10 per hour, and more based on experience. Lube technicians have little- to no-specialized mechanic training, as it is an entry-level position; however, the Employer looks for candidates with prior lube-technician experience when hiring, who aspire to be service technicians. When hired, the lube technicians take an express-technician certification course. While working for the Employer, lube technicians can take additional training through online courses on their own time (these courses are not provided by the Employer), if they wish to become candidates for service-technician positions, but they do not attend a special Honda school. Lube technicians also observe and assist service technicians on their work as a way of getting on-the-job experience and training for the service-technician position.¹⁵ The Employer has one lube technician that has been promoted to service technician (the spot that he applied for was also posted online), and one lube technician that they are currently in the process of promoting.

The lube technicians do not provide their own tools or their own equipment by to perform their work; the tools and equipment they use are provided by the Employer. Though it is not clear what time the lube technicians begin working, they begin working before the 8 AM start-time that the service technicians observe. They determine when they take their lunches, and check in with the service director, who confirms that it is okay.

¹⁴ Lube technicians are also referred to as express technicians.

¹⁵ On each repair order for a vehicle, each task that was done will list a code as to who performed it; that code corresponds to a certain service technician or lube technician, so that on a repair order, there may be two codes listed (one service technician and one lube technician) depending on who performed what task. As noted above, however, the service technicians get paid the flat premium rate for the entire task.

Lube technicians do the lubrication services of cars, mainly oil changes; refills of transmission fluids; tire repairs; tire rotations; and replacements such as wiper blades, bulbs, and air filters. They will also fix the digital-radio touchscreens in the cars by providing software updates to the cars. They do multi-point inspections on cars, but will not diagnose problems the way that service technicians do. This work does not require many tools and does not require much prior training other than what is received on the job. They are not authorized to perform major repairs on cars. Repair orders for cars will go to the lube technicians when only a standard service (oil change or tire rotation) is required.¹⁶

The lifts that the lube technicians use are different than the ones that the service technicians use: there are only two lifts for the lube technicians, they have ramps that the car is physically driven onto, as they are intended to get cars on and off of them quickly, and they are built to perform basic maintenance only, such as tire rotations and oil changes. Lube technicians mostly work with these lifts, which require less skill to operate than the lifts that the service technicians use. Like service technicians, lube technicians have to perform a daily inspection of their lifts.

The lube technicians also have a productivity rating that the Employer posts every pay period on a board for the lube technicians. This ranking shows how many oil changes each lube technician has done during the pay period.

3. Porters

The porters talk to customers when they first drive into the Employer's location. The porter will make a note of whether a customer needs a car serviced, and will let a service advisor know that a customer is waiting. Once it has been determined by a service advisor whether a car needs something quick, like an oil change, or more time-consuming like an actual repair, the porter will drive the car either to a line for express service (by lube technicians), or to a back lot where a service technician will retrieve it. The porter will also bring the car back up to the front area of the Employer's location for the customer once the service on the car is completed. In addition, the porter will also clean up the Employer's location, such as putting parts away in the Parts Department or picking up parts left in the Service Department and returning them to the Parts Department.

This is an hourly position; porters' schedules have start times that are staggered throughout the morning, but each porter is scheduled for an 8-hour workday. The porter does not use any equipment besides the customer's car that they drive.

¹⁶ There was contradictory testimony as to whether lube technicians diagnose problems with cars or determine what is wrong with the car. It appears that when a car is brought in for basic maintenance work, lube technicians, like service technicians, will inspect the entire car and make recommendations to the service advisors for additional services to be done on the car based on what they observe, such as repairing a leak that they see, replacing tires, or replacing breaks; however, if those recommendations are accepted by the customer, a lube technician would only do the work depending on the type of work that it is.

4. Shuttle Drivers

The shuttle driver drops off and picks up customers if they need a ride. The shuttle driver drives the Employer's shuttle; he does not use any other equipment. The shuttle driver works off of a list of customers to pick up or drop off that the service advisor keeps. He will also on occasion pick up parts from outside locations. The shuttle driver is supervised by the service director, and works from 8 AM to approximately 5 PM. He makes somewhere in the range of \$11-14 per hour.

5. Service Advisors¹⁷

The service advisors greet and meet with customers, write up repair orders, determine the preliminary work that may need to be done on a car, and report that to the service technicians. The service advisors determine which cars need express service and which cars need more involved service, and send the Repair Order to Foreman Godoy to distribute to either the lube or service technicians. The service advisor will also explain the service technician's initial recommendations – and the cost of those recommendations – to the customer. Further, the service technician checks in with the service advisor, via the Employer's VIS system, once a Repair Order has been completed.

The service advisors work from 8:30 AM to 5:30 PM, and have desks in the Employer's showroom with their own computers. Service advisors are paid based on commission: the profit of every repair that is made at the Employer's location is calculated per pay period, and service advisors get a percentage of that profit in their paychecks. The percentage of department profit that each service advisor takes home varies, and depends on the individual plans that the service advisors signed with the Employer. They receive bonuses and extra cash awards based on their productivity and work performance. They are also required to maintain a certain customer satisfaction rating; if they do not maintain that customer satisfaction rating, they lose part of their commission.

6. Parts Drivers

The parts driver delivers parts to wholesale and body shops, assists in checking parts that come in each day, puts parts away, and preps for the morning deliveries. The parts driver is paid hourly, and is supervised by the parts manager, Michael Vejar.

7. Counterpersons

The counterpersons work in the Parts Department and are supervised by the parts manager. They look up price quotes, look up parts' availability, pull parts for the technicians that need them, and relay this information to the service advisors. The counterpersons are paid on a

¹⁷ Service advisors are also referred to as writers.

commission basis. The counterpersons start at different times during the morning and work 8 hour shifts.

8. Shipping and Receiving Personnel

The shipping and receiving personnel also work in the Parts Department, and are supervised by the parts manager. They check in orders that arrive, and also assist the counterpersons; they will speak with retail customers, answer phone calls, and will occasionally pick up parts from other dealerships for car repairs at the Employer's location. The shipping and receiving personnel are paid on an hourly basis.

C. Interactions Between Classifications

The lube technicians and the service technicians see each other on a daily basis due to the proximity of their workspaces. Lube technicians and service technicians will also perform different tasks on the same car; depending on what those tasks are; for example, if a tire rotation is needed and the service technician cannot do it himself because of other work required on the car, the lube technician will assist or handle it. When the lube technician assists the service technician, he is assigned by the foreman or the service director, and will work with the service technician in the service technician's stall (where the car and lift are). He will use the service technician's tools when working on a car in the service technician's stall. The lube technicians will also on occasion assist service technicians with recall work for a car's defective part, depending on the experience of the lube technician and what the particular job requires.¹⁸ Lube technicians have assisted service technicians on approximately half of recent recall jobs. However, some service technicians do not really work with the lube technicians, as they prefer to handle the job entirely on their own; it appears to be a matter of choice for the service technicians. The lube technicians will also occasionally observe the service technicians as they are working, in order to learn. When the lube technicians do assist the service technicians, they are not allowed to use the advanced equipment that the service technicians use, such as power probes and voltage meters.

The service technicians see the parts employees on a daily basis, as the service technicians will have to go to the Parts Department to get necessary parts for whichever car they are working on, or to return parts that have been removed or replaced from a customer's car. The service technicians will also send Repair Orders with proposed fixes for a customer's car to the Parts Department, either through the Employer's VIS system or in person, so that the Parts Department employees can determine whether they have the parts and the prices of those parts. The Parts Department then forwards the Repair Order to the service advisors.

The service technicians work in contact with the service advisors at the Employer's location because the service advisors are the ones who directly interact with customers and communicate to them the issues with their cars. Some service technicians will initially write up what they need to get done for each car and any suggestions they have for the car (such as new

¹⁸ It is unclear how frequently this happens, as there was conflicting testimony.

spark plugs or valve adjustments), and some will make these recommendations after they had already begun working on what the Repair Order called for. Regardless of when the service technicians do this, they send it to the service advisor through the VIS, which service advisors refer to when speaking to customers. The service technician will make recommendations on what to do on a customer's car based on what is in the manual for the car and the service technician's own experience. If the service advisor is able to convince a customer that a recommended change is needed, the service advisor gets a commission on the basis of that sale, and the service technician will perform the work and get the "flagged" hours for that work.

The service technicians and the lube technicians both frequent the Parts Department for parts, and speak with the employees, like the counterpersons, in the Parts Department about the availability of certain parts.

The counterpersons communicate with the porters about which areas need to be cleaned or to arrange for the pickup of parts from other locations.

The service advisors communicate to the shuttle drivers via text and cell phone calls about where guests are to be dropped off and picked up, and communicate with the counterpersons in the Parts Department concerning the availability and price of parts. The service advisors work with the parts drivers to find out which dealerships have a part that is needed, and whether it can be picked up.

Shipping and receiving personnel interact with service and lube technicians when they assist at the counter in the Parts Department and the technicians come in for parts.

The shuttle driver interacts with the porters because when there are no customers to drop off or pick up, the shuttle driver will help the porters with their duties. The shuttle driver also talks to the porter when coordinating customer pick-ups and drop-offs.

D. Other Working Conditions

The hiring procedures for all classifications of employees that are in dispute are the same: employees are hired by applying through a website and then meeting with the Employer's service manager and several other individuals who work for the Employer. The application forms for all employees in dispute are the same. The application process includes a DMV check and Motor Vehicle Check. All employees undergo the same employee orientation, and take an online safety training course; however, service technicians take several additional safety training courses that lube technicians do not, such as eye-protection safety, and training in how to rack a car. All employees are offered the same benefits by the Employer. All employees receive the same employee handbook, and all employees are paid the same way.

Service technicians and lube technicians wear the same uniforms: dark blue, light blue, or gray shirts with the Employer's logo on one side, and navy blue pants. The other employees also wear uniforms, though it is unclear whether their uniforms are the same as the service and lube

technicians' uniforms. There is a break room, located in the Service Department, which all employees of the Employer use, including salesmen and managers.

II. ANALYSIS

I have found that the petitioned-for unit of service technicians is appropriate both because it constitutes an appropriate unit as a "craft unit," as defined in *Burns & Roe Services Corp.*, 313 NLRB 1307 (1994), and because it constitutes an appropriate unit based on the community-of-interest standard, as set forth in *Specialty Healthcare*, supra. I will address the appropriateness of the unit first as a craft unit, and then under the *Specialty Healthcare* standard.

A. Craft Unit Analysis

a. Craft Unit Standard

The Board defines a craft unit as follows: "One consisting of a distinct and homogeneous group of skilled journeymen and craftsmen, who, together with helpers or apprentices, are primarily engaged in the performance of tasks which are not performed by other employees and which require the use of substantial craft skills, and specialized tools and equipment." *Burns & Roe*, 313 NLRB at 1308. Where no bargaining history on a more comprehensive basis exists, a craft having a separate identity of skills, functions and supervision, exercising craft skills or having a craft nucleus, is appropriate. See *MGM Mirage, d/b/a Mirage Casino-Hotel*, 338 NLRB 529 (2002) (holding that a petitioned-for unit of carpenters and upholsterers comprised a craft unit that did not include the remaining employees in the engineering department).

In determining whether a petitioned-for craft unit is appropriate, the Board examines the following:

1. Whether the employees take part in a formal training or apprenticeship program;
2. Whether the work is functionally integrated with the work of the excluded employees;
3. Whether the duties of the petitioned-for employees overlap with the duties of the excluded employees;
4. Whether the employer assigns work according to need rather than on craft or jurisdictional lines; and
5. Whether the petitioned-for employees share common interests with other employees.

Burns & Roe, 313 NLRB at 1308. The Board has found that mechanics possessing skills and training unique from other employees constitute a group of craft employees within an automotive department, and therefore may, if requested, be represented in a separate unit apart from other service-department employees. *Fletcher Jones Chevrolet*, 300 NLRB 875 (1990); *Dodge City of Wauwatosa*, 282 NLRB 459, 460 fn. 6 (1986); *Overnight Transportation Company*, 322 NLRB 723 (1996).

b. Application of Craft Unit Standard

I find that the service technicians constitute an appropriate craft unit. They are highly skilled and are required to take training programs specific to all aspects of Honda cars, which training they must renew periodically, in order to maintain their certifications. They have their own set of specialized tools, which they own, and are the only classification of employees permitted to work with the more advanced equipment. They also have specialized, advanced lifts that they use for cars. While their work is integrated with the work of other employees in that the Service Department as a whole works with the Parts Department to meet customers' needs, the service technicians are uniquely responsible for performing the actual repairs on vehicles. In that sense, the degree of functional integration is limited. While they are on occasion assisted by lube technicians while working on cars, the lube technicians do not perform the actual repairs to vehicles. Service technicians only occasionally perform the more basic lubrication work. The service technicians also have a unique system of compensation, which no other employees that the Employer seeks to add into the unit have, and they are paid more based on how much of their specialized work they perform. Based on these factors and the record as a whole, I find that the service technicians constitute an appropriate craft unit.

B. Community-of-Interest Standard

I not only find that the service technicians constitute an appropriate craft unit, I also find the petitioned-for unit to be appropriate based on an application of the community-of-interest standard set forth in *Specialty Healthcare*, supra.

a. Standard

The Act does not require a petitioner to seek representation of employees in the most appropriate unit possible, but only in an appropriate unit. *Overnite Transportation Co.*, 322 NLRB 723 (1996). Thus, the Board first determines whether the unit proposed by a petitioner is appropriate. When the Board determines that the unit sought by a petitioner is readily identifiable and employees in that unit share a community of interest, the Board will find the petitioned-for unit to be an appropriate unit, despite a contention that the unit employees could be placed in a larger unit which would also be appropriate or even more appropriate, unless the party so contending demonstrates that employees in the larger unit share an "overwhelming community of interest" with those in the petitioned-for unit. *Specialty Healthcare*, supra at 938.

Thus, the first inquiry is whether the job classifications sought by Petitioner are readily identifiable as a group and share a community of interest. In this regard, the Board has made clear that it will not approve fractured units: that is, combinations of employees that have no rational basis. *Odwalla, Inc.*, 357 NLRB 1608 (2011), *Seaboard Marine*, 327 NLRB 556 (1999). Thus, an important consideration is whether the employees sought are organized into a separate department or administrative grouping. Also important are whether the employees sought by a union have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised. *United Operations, Inc.*, 338 NLRB 123 (2002), see

also *Specialty Healthcare*, supra, at 938-939. Particularly important in considering whether the unit sought is appropriate are the organization of the plant and the utilization of skills. *Gustave Fisher, Inc.*, 256 NLRB 1069, fn. 5 (1981). However, all relevant factors must be weighed in determining community of interest.

With regard to the second inquiry, additional employees share an overwhelming community of interest with the petitioned-for employees only when there “is no legitimate basis upon which to exclude (the) employees from” the larger unit because the traditional community-of-interest factors “overlap almost completely.” *Specialty Healthcare*, supra, at 940-943, and fn. 28 (quoting *Blue Man Vegas, LLC v. NLRB*, 529 F.3d 417, 421-422 (D.C. Cir. 2008)). Moreover, the burden of demonstrating the existence of an overwhelming community of interest is on the party asserting it. *Northrop Grumman Shipbuilding, Inc.*, 357 NLRB 2015, 2017, fn. 8 (2011).

b. Application of Community Interest Standard

i. The Classification Sought By Petitioner Shares a Community of Interest

I find that the service technicians are “readily identifiable as a group” because although they do not constitute their own department, they share the same job classification, perform the same unique function, work with similar tools using the same set of lifts in the shop area of the Service Department, and have a unique system of compensation from other employees. They also have an investment that other employees do not have: they must provide their own tools, at considerable expense, and are liable for any cars that they work on. The service technicians have similar skills and advanced training; though there are variations in the type of work they do, they all perform the same kind of service work – car repairs and recalls – and are the only employees that work with the highly specialized equipment used for these repairs.

Accordingly, I conclude that the employees in the petitioned-for unit share a community of interest and the petitioned-for unit is appropriate for the purposes of collective bargaining.

ii. The Employees the Employer Contends Must Be Added to the Unit Do Not Share an Overwhelming Community of Interest with the Employees in the Classification Sought by Petitioner

The Employer does not appear to be contending that employees in the petitioned-for unit do not share a community of interest. Rather, the Employer contends that the smallest appropriate unit must include the petitioned-for employees plus lube technicians, porters, shuttle drivers, service advisors, parts drivers, counterpersons, and shipping and receiving personnel. The Employer’s stated rationale is that all of these categories of workers are fully integrated with each other, and interact with each other to such a degree that they cannot be separated.

I conclude that the Employer has not met its burden of establishing that the employees it seeks to add to the unit share an overwhelming community of interest with the petitioned-for unit. Thus, their inclusion with the employees sought by Petitioner is not warranted.

Although employees other than the service technicians belong to the Service Department, the service technicians have a unique job classification and all work in the same area of the Service Department, using the same set of advanced lifts. Although they share the same foreman and director with the rest of the Service Department, they are skilled technicians who mostly work independently (and are held liable for their work) and provide their own tools. There is little evidence that the service director exercises supervisory authority over them on a regular basis. Further, I note that the employees in the Parts Department report to the parts manager.

The service technicians have distinct job duties – diagnostics and repair – from other classifications of employees, and they have unique qualifications and undergo continual specialized training that other employees are not required to undertake. They also have a unique system of compensation, under which they are paid a flat rate based on the amount of time allotted to a specific repair job, regardless of how many hours they actually work on that job. When they are not working on repairs, they are paid double the minimum-wage (and thus double what the lube technicians are paid).

There is also little evidence of interchange between the service technicians and other employees in the Service Department. Although there was testimony that service technicians will occasionally handle lubrication work, the record reflects that this occurs only when the service technician does not have another repair to work on and the lube technicians are busy. Also, there is no evidence that any employees, including the lube technicians, fill in for the service technicians: though the lube technicians will assist the service technicians, they complete only the tasks that they are qualified to do, as reflected by documents introduced into evidence by the Employer. The lube technicians do not perform any of the repair work that the service technicians perform; the fact that they perform different tasks on the same car does not demonstrate that the lube technicians are able to fill in for the service technicians. Further, there was testimony that lube technicians assist service technicians on recall work, but there is no evidence that the recall work constitutes a repair of a car, or that the lube technicians perform this work on their own.

Although the Service Department employees have contact with each other in performing their work, the degree of contact among the service technicians, who all work in the shop area of the Service Department together and who collaborate on certain issues with cars, is far greater than the degree of contact between the service technicians and other employees in either the Service or Parts Departments.

The Employer contends that the Service Department as a whole is responsible for the same overall function – servicing cars – yet most workplaces taken as a whole are responsible for one overall function. The question when analyzing functional integration, however, is whether each classification has a separate role in the process. As described above, the degree of functional integration between the employees of the petitioned-for unit and the employees the Employer seeks to add is limited in comparison with the degree of functional integration among the employees in the petitioned-for unit, who all play the same role in the process by actually diagnosing and repairing cars at the Employer's facility.

I acknowledge that the employees the Employer contends must be included in the unit: share the same break room and interact with each other on a daily basis, share some common terms and conditions of employment and some degree of common supervision, and have some functional integration in that each employee plays a role in serving a customer. While the Employer's contentions may establish that the broader unit sought by the Employer is an appropriate unit, they are insufficient to establish that the employees the Employer would add share such an overwhelming community of interest as to require their inclusion in the unit.

III. CONCLUSION

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The Hearing Officer's rulings at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.¹⁹
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time service technicians employed by Sonic-Buena Park H, Inc. d/b/a Buena Park Honda, at its facility located at 6411 Beach Boulevard, Buena Park, California; excluding all other employees, lube technicians, porters, shuttle drivers, service advisors, parts drivers, counterpersons, shipping and receiving personnel, clerical employees, professional employees, guards, and supervisors as defined in the Act.

¹⁹ The Employer stipulated, in Board Exhibit 2, to the following commerce facts: The Employer, Sonic-Buena Park H, Inc. d/b/a Buena Park Honda, a California corporation with an office and automobile dealership located at 6411 Beach Boulevard, Buena Park, California, is engaged in the retail sale and service of automobiles. During the past 12 months, a representative period, the Employer derived gross revenues in excess of \$500,000 from the operation of its automobile dealership, and during the same period of time purchased and received goods valued in excess of \$5,000, which goods were shipped directly to the Employer's Buena Park, California facility from points located outside the State of California.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, DISTRICT LODGE 190, LOCAL LODGE 1484, AFL-CIO.

A. Election Details

The election will be held on Friday, July 22, 2016 from 10:00 AM to 11:00 AM in the employee break-room located in the Service Department at the Employer's location at 6411 Beach Boulevard, Buena Park, California.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **July 7, 2016**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by July 19, 2016. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlrb.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: July 15, 2016



OLIVIA GARCIA
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 21
888 S. Figueroa St Fl 9
Los Angeles, CA 90017-5449

EXHIBIT B

EXHIBIT B

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE

Case No.
21-RC-178527

Date Filed
6-17-16

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer Buena Park Honda		2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 6411 Beach Blvd, Buena Park, CA 90621	
3a. Employer Representative - Name and Title Sean Salehzadeh, General Manager		3b. Address (If same as 2b - state same) same	
3c. Tel. No. 800-577-8382 office 714-690-8455 direct	3d. Cell No.	3e. Fax No. 714-690-8466	3f. E-Mail Address Sean.Salehzadeh@buenapark-honda.com
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Automobile Dealership		4b. Principal product or service Automobile Sales and Service	
5b. Description of Unit Involved Included: All full-time and part-time technicians. Excluded: All others, including hourly lube technicians		5a. City and State where unit is located: Buena Park, CA	
		6a. No. of Employees in Unit: 14	
		6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Check One: ☒ 7a. Request for recognition as Bargaining Representative was made on (Date) By Petition and Employer declined recognition on or about _____ (Date). (If no reply received, so state).
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state).		8b. Address	
8c. Tel No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)

9. Is there now a strike or picketing at the Employer's establishment(s) involved? _____ If so, approximately how many employees are participating? _____
(Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail
11b. Election Date(s): Tuesday, June 28, 2016
11c. Election Time(s): 10:00 a.m. - 10:30 a.m.
11d. Election Location(s): Employee break room/lunch room/TBA

12a. Full Name of Petitioner (including local name and number)
International Association of Machinists & Aerospace Workers, District Lodge 1484

12b. Address (street and number, city, state, and ZIP code)
1261 N. Avalon Blvd., Wilmington, CA 90744

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
International Association of Machinists & Aerospace Workers, AFL-CIO

12d. Tel No. 925 687-6421 x16	12e. Cell No.	12f. Fax No. 925 685-4116	12g. E-Mail Address juarez1173@sbcglobal.net
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13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title Caroline N. Cohen, Attorney	13b. Address (street and number, city, state, and ZIP code) Weinberg, Roger & Rosenfeld 1001 Marina Village Parkway, Suite 200, Alameda, CA 94501
13c. Tel No. 510-337-1001	13d. Cell No.
13e. Fax No. 510-337-1023	13f. E-Mail Address nlrbnotices@unioncounsel.net, ccohen@unioncounsel.net

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Caroline N. Cohen	Signature	Title Attorney	Date June 17, 2016
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

BD EXH 1(a)

EXHIBIT NO. B-1a RECEIVED ☒ REJECTED ☐
21-RC-178527
CASE NO. 21-RC-178527 CASE NAME: Honda
NO. OF PAGES: 2 DATE: 6/28/16 REPORTER: JB



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21



BUENA PARK HONDA Employer and INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LODGE NO. 1484 Petitioner	Case 21-RC-178527
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 AM on **Tuesday, June 28, 2016** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at Room 903, 888 S FIGUEROA ST, 9TH FLOOR, LOS ANGELES, CA 90017-5449, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, BUENA PARK HONDA must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Pacific time on June 27, 2016. The Statement of Position may be E-Filed but, unlike other E-Filed documents, must be filed by noon Pacific on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position is not required to be filed.

Dated: June 17, 2016

OLIVIA GARCIA
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 21
888 S Figueroa St Fl 9
Los Angeles, CA 90017-5449

BD EXH 1 (6)

EXHIBIT NO. B-1b RECEIVED X REJECTED _____
CASE NO. 21-RC-178527 CASE NAME: BP Honda
NO. OF PAGES: 2 DATE: 4/28/16 REPORTER: jc

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

BUENA PARK HONDA Employer and INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LODGE NO. 1484 Petitioner	Case 21-RC-178527
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AFFIDAVIT OF SERVICE OF: Petition dated June 17, 2016, Notice of Representation Hearing dated June 17, 2016, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on June 17, 2016, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

BUENA PARK HONDA
6411 BEACH BLVD
BUENA PARK, CA 90621-2896
FAX: (714)690-8466

CAROLINE N. COHEN, ATTORNEY AT LAW
WEINBERG ROGER & ROSENFELD
1001 MARINA VILLAGE PARKWAY
SUITE 200
ALAMEDA, CA 94501
CCOHEN@UNIONCOUNSEL.NET
FAX: (510)337-1023

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
LODGE NO. 1484
1261 NORTH AVALON BLVD
WILMINGTON, CA 90744

June 17, 2016

Date

JUDITH SAENZ, Designated Agent of NLRB

Name

Signature

BD EXT 1(C)

EXHIBIT NO. B-1c RECEIVED X REJECTED _____
CASE NO. 21-RC-178527 CASE NAME: Bl Honda
NO. OF PAGES: 2 DATE: 6/28/16 REPORTER: Jr

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed

INSTRUCTIONS: Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.
Note: Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.

1a. Full name of party filing Statement of Position Sonic-Buena Park H, Inc. d/b/a Buena Park Honda	1c. Business Phone: 714-690-8455	1e. Fax No.: 714-522-3559
1b. Address (Street and number, city, state, and ZIP code) 6411 Beach Blvd., Buena Park, CA 90621	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? ☒ Yes ☐ No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? ☐ Yes ☒ No (If not, answer 3a and 3b.)

a. State the basis for your contention that the proposed unit is not appropriate. (If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.)

The proposed unit is not appropriate because it excludes employees who share an overwhelming community of interest with the petitioned-for employees.

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit. Added Must add employees listed on Exhibit 1.	Excluded
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4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

Because no one has yet attempted to vote, and the Employer cannot possibly know who might attempt to vote, it is improper for the Board to require the Employer to respond to this question at this time.

5. Is there a bar to conducting an election in this case? ☐ Yes ☒ No If yes, state the basis for your position.

6. Describe all other issues you intend to raise at the pre-election hearing.
The petitioned for unit is fractured and excludes employees of a functionally integrated unit. The union also inappropriately excludes dual function employees from voting. Failure to include identified employees would also create a residual unit inappropriate for bargaining. The Employer believes that the appropriate unit is C1, but if the Region finds otherwise, the Region still must direct an election in at least one of the units identified in attachments C1-C5.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at <http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015>.

- (a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be excluded from the proposed unit to make it an

State your position with respect to the details of any election that may be conducted in this matter. 8a. Type: ☒ Manual ☐ Mail ☐ Mixed Manual/Mail

8b. Date(s) On or after July 15, 2016	8c. Time(s) 12:00 p.m. to 1:30 p.m.	8d. Location(s) technician break room
8e. Eligibility Period (e.g. special eligibility formula) consistent with ordinary Board procedure	8f. Last Payroll Period Ending Date June 23, 2016	8g. Length of payroll period <input type="checkbox"/> Weekly <input type="checkbox"/> Biweekly <input checked="" type="checkbox"/> Other (specify length)

9. Representative who will accept service of all papers for purposes of the representation proceeding bimonthly

9a. Full name and title of authorized representative Daniel Adlong, Legal Counsel	9b. Signature of authorized representative /s/Daniel Adlong	9c. Date July 27, 2016
9d. Address (Street and number, city, state, and ZIP code) Ogletree, Deakins, Nash, Smoak & Stewart, P.C.; Park Tower, 695 Town Center Drive, Suite 1500, Costa Mesa, California 92626	9e. e-Mail Address daniel.adlong@ogletreedeakins.com	
9f. Business Phone No.: 714-800-7802	9g. Fax No. 714-754-1298	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS STATEMENT OF POSITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. Code, Title 18, Section 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

BD EXH 1 (d)

EXHIBIT NO. B-1d RECEIVED X REJECTED _____
21-PC-178527
CASE NO. _____ CASE NAME: Brena Park Home
NO. OF PAGES: 3 DATE: 4/28/16 REPORTER: AP

INITIAL LIST (Filed with Statement of Position)

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Attachment B: Employees in Petitioned for Unit

Employee Name	Work Location	Shift	Job Classification
1. Cabrera, Julio	Buena Park Honda	Day	Technician - Variable
2. Colon, Kevin	Buena Park Honda	Day	Technician - Variable
3. Delgadillo, Plutarco	Buena Park Honda	Day	Technician - Variable
4. Godoy, Daniel	Buena Park Honda	Day	Technician - Variable
5. Gomez Torres, Javier	Buena Park Honda	Day	Technician - Variable
6. Locklear, Donald	Buena Park Honda	Day	Technician - Variable
7. Perales, Ricardo	Buena Park Honda	Day	Technician - Variable
8. Ramos, Dominick	Buena Park Honda	Day	Technician - Variable
9. Rodriguez, Cristian	Buena Park Honda	Day	Technician - Variable
10. Rosales, Max	Buena Park Honda	Day	Technician - Variable
11. Singh, Jagdish	Buena Park Honda	Day	Technician - Variable
12. Tang, Kevin	Buena Park Honda	Day	Technician - Variable
13. Torres, Alfonso	Buena Park Honda	Day	Technician - Variable
14. Vito, Julius	Buena Park Honda	Day	Technician - Variable
15. Zinzun Nuci, Santos	Buena Park Honda	Day	Technician - Variable

INITIAL LIST (Filed with Statement of Position)

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Attachment C1: Employees to be Added to Petitioned-for Unit

Employee Name	Work Location	Shift	Job Classification
1. Bahena, Bryant	Buena Park Honda	Day	Lube Technician - Non-Variable
2. Bahena, Leonel	Buena Park Honda	Day	Lube Technician - Non-Variable
3. Carrillo, Isaac	Buena Park Honda	Day	Lube Technician - Non-Variable
4. Cortez, Alonzo	Buena Park Honda	Day	Lube Technician - Non-Variable
5. Denton, Mark	Buena Park Honda	Day	Service Advisor - Variable
6. Dominguez, Nansi	Buena Park Honda	Day	Porter
7. Dower, Howard	Buena Park Honda	Day	Parts Driver
8. Garcia, Justo	Buena Park Honda	Day	Shuttle Driver
9. Garibay, Jose	Buena Park Honda	Day	Service Advisor - Variable
10. Hernandez, Alberto	Buena Park Honda	Day	Lube Technician - Non-Variable
11. Hernandez, Oswaldo	Buena Park Honda	Day	Counterperson - Non-Variable
12. Ho, Kwok	Buena Park Honda	Day	Service Advisor - Variable
13. Lopez, Eduardo	Buena Park Honda	Day	Service Advisor - Variable
14. Macdonald, Alena	Buena Park Honda	Day	Service Advisor - Variable
15. McDonald, Kurt	Buena Park Honda	Day	Counterperson - Non-Variable
16. Mendoza, Eric	Buena Park Honda	Day	Lube Technician - Non-Variable
17. Monroe, Richard	Buena Park Honda	Day	Service Advisor - Variable
18. Munoz, Alexander	Buena Park Honda	Day	Service Advisor - Variable
19. Palacios, Hector	Buena Park Honda	Day	Counterperson - Non-Variable

20. Perez, Brenda	Buena Park Honda	Day	Shipping & Receiving
21. Rodriguez, Oscar	Buena Park Honda	Day	Service Advisor - Variable
22. Rosales, David	Buena Park Honda	Day	Porter
23. Sanchez, Daniel	Buena Park Honda	Day	Porter
24. Young, Adam	Buena Park Honda	Day	Counterperson - Non- Variable

INITIAL LIST (Filed with Statement of Position)

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Attachment C2: Employees to be Added to Petitioned-for Unit

Employee Name	Work Location	Shift	Job Classification
1. Bahena, Bryant	Buena Park Honda	Day	Lube Technician - Non-Variable
2. Bahena, Leonel	Buena Park Honda	Day	Lube Technician - Non-Variable
3. Carrillo, Isaac	Buena Park Honda	Day	Lube Technician - Non-Variable
4. Cortez, Alonzo	Buena Park Honda	Day	Lube Technician - Non-Variable
5. Denton, Mark	Buena Park Honda	Day	Service Advisor - Variable
6. Garibay, Jose	Buena Park Honda	Day	Service Advisor - Variable
7. Hernandez, Alberto	Buena Park Honda	Day	Lube Technician - Non-Variable
8. Hernandez, Oswaldo	Buena Park Honda	Day	Counterperson - Non-Variable
9. Ho, Kwok	Buena Park Honda	Day	Service Advisor - Variable
10. Lopez, Eduardo	Buena Park Honda	Day	Service Advisor - Variable
11. Macdonald, Alena	Buena Park Honda	Day	Service Advisor - Variable
12. McDonald, Kurt	Buena Park Honda	Day	Counterperson - Non-Variable
13. Mendoza, Eric	Buena Park Honda	Day	Lube Technician - Non-Variable
14. Monroe, Richard	Buena Park Honda	Day	Service Advisor - Variable
15. Munoz, Alexander	Buena Park Honda	Day	Service Advisor - Variable
16. Palacios, Hector	Buena Park Honda	Day	Counterperson - Non-Variable
17. Perez, Brenda	Buena Park Honda	Day	Shipping & Receiving
18. Rodriguez, Oscar	Buena Park Honda	Day	Service Advisor - Variable

19. Young, Adam	Buena Park Honda	Day	Counterperson - Non-Variable
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INITIAL LIST (Filed with Statement of Position)

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Attachment C3: Employees to be Added to Petitioned-for Unit

Employee Name	Work Location	Shift	Job Classification
1. Bahena, Bryant	Buena Park Honda	Day	Lube Technician - Non-Variable
2. Bahena, Leonel	Buena Park Honda	Day	Lube Technician - Non-Variable
3. Carrillo, Isaac	Buena Park Honda	Day	Lube Technician - Non-Variable
4. Cortez, Alonzo	Buena Park Honda	Day	Lube Technician - Non-Variable
5. Hernandez, Alberto	Buena Park Honda	Day	Lube Technician - Non-Variable
6. Hernandez, Oswaldo	Buena Park Honda	Day	Counterperson - Non-Variable
7. McDonald, Kurt	Buena Park Honda	Day	Counterperson - Non-Variable
8. Mendoza, Eric	Buena Park Honda	Day	Lube Technician - Non-Variable
9. Palacios, Hector	Buena Park Honda	Day	Counterperson - Non-Variable
10. Perez, Brenda	Buena Park Honda	Day	Shipping & Receiving
11. Young, Adam	Buena Park Honda	Day	Counterperson - Non-Variable

INITIAL LIST (Filed with Statement of Position)

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Attachment C4: Employees to be Added to Petitioned-for Unit

Employee Name	Work Location	Shift	Job Classification
1. Bahena, Bryant	Buena Park Honda	Day	Lube Technician - Non-Variable
2. Bahena, Leonel	Buena Park Honda	Day	Lube Technician - Non-Variable
3. Carrillo, Isaac	Buena Park Honda	Day	Lube Technician - Non-Variable
4. Cortez, Alonzo	Buena Park Honda	Day	Lube Technician - Non-Variable
5. Denton, Mark	Buena Park Honda	Day	Service Advisor - Variable
6. Garibay, Jose	Buena Park Honda	Day	Service Advisor - Variable
7. Hernandez, Alberto	Buena Park Honda	Day	Lube Technician - Non-Variable
8. Ho, Kwok	Buena Park Honda	Day	Service Advisor - Variable
9. Lopez, Eduardo	Buena Park Honda	Day	Service Advisor - Variable
10. Macdonald, Alena	Buena Park Honda	Day	Service Advisor - Variable
11. Mendoza, Eric	Buena Park Honda	Day	Lube Technician - Non-Variable
12. Monroe, Richard	Buena Park Honda	Day	Service Advisor - Variable
13. Munoz, Alexander	Buena Park Honda	Day	Service Advisor - Variable
14. Rodriguez, Oscar	Buena Park Honda	Day	Service Advisor - Variable

INITIAL LIST (Filed with Statement of Position)

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Attachment C5: Employees to be Added to Petitioned-for Unit

Employee Name	Work Location	Shift	Job Classification
1. Bahena, Bryant	Buena Park Honda	Day	Lube Technician - Non-Variable
2. Bahena, Leonel	Buena Park Honda	Day	Lube Technician - Non-Variable
3. Carrillo, Isaac	Buena Park Honda	Day	Lube Technician - Non-Variable
4. Cortez, Alonzo	Buena Park Honda	Day	Lube Technician - Non-Variable
5. Hernandez, Alberto	Buena Park Honda	Day	Lube Technician - Non-Variable
6. Mendoza, Eric	Buena Park Honda	Day	Lube Technician - Non-Variable

Attachment D: Names of Employees to be Excluded from Petitioned-for Unit

Employee Name
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.

25260449.1

Exhibit 1

Employer Name: Buena Park Honda

Case No. 21-RC-178527

Job Classification
Lube Technician - Non-Variable
Porter
Parts Driver
Shuttle Driver
Service Advisor - Variable
Counterperson - Non- Variable
Shipping & Receiving
Porter

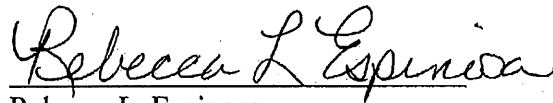
25269316.1

CERTIFICATE OF SERVICE

Sonic-Buena Park H, Inc. d/b/a Buena Park Honda

21-RC-178527

I HEREBY CERTIFY that on this 27th day of June 2016, electronic copies of Employer's **Statement of Position (with Initial Lists and Exhibit 1) and Questionnaire on Commerce Information** were served on Union counsel Caroline N. Cohen by email at this email address: ccohen@unioncounsel.net


Rebecca L. Espinosa

23609034.1

Re: Buena Park Honda
Case 21-RC-178527

BOARD EXHIBIT NO. 1

INDEX
AND
DESCRIPTION OF FORMAL DOCUMENTS

- Exhibit 1(a)** Original Petition 21-RC-127527
filed June 17, 2016.
- Exhibit 1(b)** Notice of Representation Hearing
dated June 17, 2016.
- Exhibit 1(c)** Affidavit of Service of 1(b)
dated June 17, 2016.
- Exhibit 1(d)** Statement of Position
dated June 27, 2016.
- Exhibit 1(e)** Index and Description of
Formal Documents

Bd. Exh. 1(e)

EXHIBIT NO. B-1e RECEIVED X REJECTED _____
21-RC-178527
CASE NO. _____ CASE NAME: Buena Park Honda
NO. OF PAGES: 2 DATE: 6/28/16 REPORTER: JL

EXHIBIT C

EXHIBIT C

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 21

In the Matter of:

Sonic-Buena Park Honda, Inc. Case No. 21-RC-178527
d/b/a Buena Park Honda,

Employer,

and

International Association Of
Machinists And Aerospace
Workers, Lodge No. 1484,
AFL-CIO,

Petitioner.

Place: Los Angeles, California

Dates: June 28, 2016

Pages: 1 through 162

Volume: 1

OFFICIAL REPORTERS

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7227 North 16th Street, Suite 207
Phoenix, AZ 85020
(602) 263-0885

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

In the Matter of:

SONIC-BUENA PARK HONDA, INC.
d/b/a BUENA PARK HONDA,

Employer,

and

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, LODGE NO. 1484,
AFL-CIO

Petitioner.

Case No. 21-RC-178527

The above-entitled matter came on for hearing, pursuant to notice, before **CECELIA F. VALENTINE**, Hearing Officer, at the National Labor Relations Board, Region 21, 888 South Figueroa Street, Los Angeles, California 90017, on **Tuesday, June 28, 2016, at 9:17 a.m.**

1 ending date and any applicable eligibility formulas, but will
2 not permit litigation of these issues. The hearing officer
3 will also inquire as to the need for foreign language ballots
4 and notices of election. Please have the relevant information
5 with respect to these issues available at that time.

6 The parties have been advised that the hearing will
7 continue from day to day as necessary until completed unless
8 the Regional Director concludes that extraordinary
9 circumstances warrant otherwise. The parties are also advised
10 that upon request they shall be entitled to a reasonable period
11 at the close of the hearing for oral argument. Post hearing
12 briefs shall be filed only upon special permission of the
13 Regional Director.

14 In addition a party may offer into evidence a brief memo
15 of points and authorities, case citations, or other legal
16 arguments during the course of the hearing and before the
17 hearing closes.

18 The -- great. Hang on. I just lost my place here.

19 The Employer has completed, and I will mark for
20 identification as Board Exhibit 4, a statement of position in
21 this matter.

22 **(Board Exhibit Number 4 Marked for Identification)**

23 HEARING OFFICER VALENTINE: Are there any objections to
24 receipt of the exhibit into the record? Actually have to --
25 actually can we go off the record? I'm sorry.

1 (Off the record at 11:39 a.m.)

2 HEARING OFFICER VALENTINE: Okay. All right. Let's go
3 back on the record. Thanks.

4 The state -- the Employer's statement of position is
5 already in the record as Exhibit 1(d). And let's see. Okay.
6 So the statement of position asserts that the proposed unit is
7 not appropriate because it excludes employees who share an
8 overwhelming community of interest with the petition for
9 employees. And there's an attachment with several, I guess --
10 I'm not sure how to describe what that is. I guess different
11 permutations of -- maybe Mr. Adlong --

12 MR. ADLONG: In the appropriate unit.

13 HEARING OFFICER VALENTINE: Can you -- can you --

14 MR. ADLONG: Yeah.

15 HEARING OFFICER VALENTINE: It sounds like it's actually
16 been narrowed from --

17 MR. ADLONG: No, it hasn't.

18 HEARING OFFICER VALENTINE: No? Okay. Can you just state
19 so it's clear for the record what you are proposing?

20 MR. ADLONG: So all right. So as I understand it,
21 attachment B is the names of the proposed unit that Petitioner
22 has asked for. Attachment C-1, we're supposed to identify
23 everybody who we should -- thinks should be in the appropriate
24 unit. And so what we've identified -- we don't think the unit
25 is appropriate. And we think either what is listed as C-1 is

1 the appropriate -- or un-appropriate unit. C-2 is
2 un-appropriate unit. C-3 is an appropriate unit. Or C-4 is an
3 appropriate unit or C-5. But we do not think that the petition
4 for a unit as requested is appropriate.

5 HEARING OFFICER VALENTINE: Okay. So it's -- so it's not
6 just the lube technicians that are sought?

7 MR. ADLONG: No.

8 HEARING OFFICER VALENTINE: Okay. Can we go off the
9 record for just a second? I'm sorry. I'll be right back.
10 (Off the record at 11:44 a.m.)

11 HEARING OFFICER VALENTINE: Okay. So are we going to talk
12 about what -- can we go back on the record? Sorry.

13 So we'll talk about burdens in just a second, but I just
14 want to be clear because it seems -- just to be clear about
15 what the Employer is proposing in terms of the unit. So when
16 you say that each of those is an appropriate unit, do you
17 intend to present evidence as to each of those classifications?

18 MR. ADLONG: Yeah.

19 HEARING OFFICER VALENTINE: Okay. And --

20 MR. ADLONG: Here's the deal is that everybody -- the
21 first is everybody. So we're --

22 HEARING OFFICER VALENTINE: Uh-huh.,

23 MR. ADLONG: -- put a unit -- we're going to put into
24 evidence regarding everybody.

25 HEARING OFFICER VALENTINE: Okay.

1 MR. ADLONG: And then if you don't think that one is,
2 we're going to argue -- we think there's also other units that
3 are appropriate. And that's what we're going to do.

4 HEARING OFFICER VALENTINE: Okay. So you'll be presenting
5 evidence that all classifications, the widest possible one
6 listed there --

7 MR. ADLONG: Yes.

8 HEARING OFFICER VALENTINE: -- about all of them?

9 MR. ADLONG: Uh-huh.

10 HEARING OFFICER VALENTINE: Okay. Okay. And what is the
11 Union's position on the proposed units?

12 MS. GUIZAR: The Union's position is that the petition for
13 a unit is an appropriate unit under Board case law. It is a
14 readily, identifiable, distinct group of employees. It's the
15 Union's position that the petition for a unit is appropriate
16 both under the craft unit standard as well as under the
17 community of interest standard under specialty healthcare. As
18 I indicated, it's a readily identifiable group based on Board
19 case law finding that under the craft unit standard that
20 technicians, as in the petition for a unit, are an appropriate
21 unit. And that includes finding under Saturn of Stockton,
22 32-RC-4483, Dodge City of Wauwatosa, W-A-U-W-A-T-O-S-A. And
23 the case cite is 282 NLRB 459 (1980); Overnite Transportation
24 Company, 322 NLRB 723 (1996); NLRB versus Contemporary Cars
25 Inc., 667 F.3rd 1364, 11th Circuit (2012); Country Ford Trucks

1 Inc., 330 NLRB 328 (1999); and First, 229 F.3rd 1184 D.C.
2 Circuit (2000); Mike Calvert Toyota Inc., 26 RC 10447 (2002);
3 Azure Auto II, LLC d/b/a Findlay North Volkswagen, 28 RC 160737
4 (October 9, 2015).

5 It's the Union's position that the petition for unit of
6 technicians is an appropriate unit. And under Board law the
7 Union is not required to identify the most appropriate unit,
8 only an appropriate unit. There's nothing in the statute that
9 requires that the unit for bargaining be the only appropriate
10 unit or the ultimate unit or the most appropriate. It requires
11 only that it be an appropriate unit. And that's Bartlett
12 Collins Company, 334 NLRB Number 76 (2001). And a Union is not
13 required to seek representation in the most comprehensive group
14 of employees unless an appropriate unit compatible with that
15 request does not exist; that's P Valentine and Sons, 141 NLRB
16 1103 (1963).

17 In addition there are a number of decisions which find
18 that the wall-to-wall unit proposed of the entire Employer's
19 attachment C-1 is also -- has also been found not to be an
20 appropriate unit with automotive technicians. And the case
21 cite for that is Sexton Ford Sales Inc., Case Number
22 14-RC-068800 (December 8, 2011).

23 The facts will show that, in fact, the petition for a unit
24 involve technicians who are highly skilled, competent, and
25 require specific training and certifications to perform their

1 jobs. They perform specific work with respect to diagnostic
2 and repairs of automobiles bumper to bumper. This is work that
3 is performed, as I indicated, at a high skill level. It is
4 conducted independently. They exercise independent judgment
5 are the only individuals who are authorized and trained to
6 perform these certain repairs on automobiles.

7 The evidence will show that the technicians are paid under
8 a different pay rate as every other employee in the department.
9 Technicians are paid on a flat rate, and they are paid at a
10 higher level as opposed to every other classification
11 department. You will see that these employees provide their
12 own tools which they are required to pay for. And these tools
13 cost in the range of tens of thousands of dollars, ranging from
14 30,000 in some cases to 50,000 and even higher. We will show
15 that technicians require specific training, years of experience
16 and certificates as opposed to everyone else in the department
17 that does not require specific training and certificates.

18 In sum, it's the Union's position that the Employer will
19 not be able to meet its burden, that the other proposed units
20 in attachments C-1 through C-5 share an overwhelming community
21 of interests than the petition for employees. And because the
22 Employer will not be able to meet its burden, it's the Union's
23 position that based on controlling case law and Board law that
24 the appropriate unit is the petitioned for unit. And the
25 election should proceed based on that petition for a unit.

1 HEARING OFFICER VALENTINE: Thank you. Okay. Let's see
2 here. Okay. And that is the only issue in the -- other than
3 the date which we won't get into. Okay.

4 Is there anything else to discuss at this point on those
5 -- or preliminary?

6 MS. GUIZAR: I just wanted to add one thing with respect
7 to the appropriateness of the unit that the Board also
8 considers. Industry practice, as a factor in determining
9 whether a petition for a unit is appropriate. And the cite for
10 that is the Mirage Casino Hotel, 338 NLRB 529 (2002). We have
11 -- we will also provide evidence that there are numerous recent
12 stipulated alleged agreements that have been entered into
13 and/or directions of election where a appropriate unit of just
14 technicians was found. And that includes an Autocom Nissan,
15 Bossy Nissan, and Hopkin Honda (phonetic). Those are all
16 examples of locations where an appropriate unit of just
17 technicians was found.

18 HEARING OFFICER VALENTINE: And that's in the Mirage case
19 you're saying --

20 MS. GUIZAR: No.

21 HEARING OFFICER VALENTINE: -- that it refers --

22 MS. GUIZAR: The Mirage --

23 HEARING OFFICER VALENTINE: -- to?

24 MS. GUIZAR: -- case is for the holding that the Board
25 will consider industry practice.

1 HEARING OFFICER VALENTINE: Uh-huh.

2 MS. GUIZAR: And our evidence of industry factors are at
3 least these three separate automotive locations, dealers --

4 HEARING OFFICER VALENTINE: Okay.

5 MS. GUIZAR: -- service dealers --

6 HEARING OFFICER VALENTINE: So it's not Board cases. It's
7 testimony that you'll present.

8 MS. GUIZAR: Correct.

9 HEARING OFFICER VALENTINE: Okay. Okay.

10 MS. GUIZAR: Of industry standard --

11 HEARING OFFICER VALENTINE: Okay.

12 MS. GUIZAR: -- where technicians are a standalone
13 appropriate unit.

14 HEARING OFFICER VALENTINE: Okay. And the parties are --
15 obviously the only issue that we're litigating here is the
16 issue of the appropriate unit. Please be aware that because
17 this issue involves a presumption under Board law, the burden
18 lies with the party seeking to rebut the presumption. You must
19 present specific detailed evidence in support of your position.
20 General conclusionary statements by witnesses will not be
21 sufficient. So this is having to do with the presumption of,
22 you know, whether there is an appropriate -- the unit sought is
23 an appropriate or if it is not without the inclusion of some
24 other -- some or all the other employees as suggested by the
25 Employer.

1 Q BY MR. ADLONG: Can I ask you something, Mr. Colon, let me
2 lay some foundation.

3 MS. GUIZAR: Can I --

4 HEARING OFFICER VALENTINE: Hold on, hold on.

5 MS. GUIZAR: -- and relevance, all these questions.

6 I think the goal is to find out whether or not there is an
7 appropriate unit and in order to find out whether there is an
8 appropriate unit and to avoid, already, a waste of time is to
9 get to the facts of this case and what duties these workers
10 perform, not what conversations they had with whom.

11 HEARING OFFICER VALENTINE: To the extent the questions
12 get at anything beyond the facts of what his job duties are I
13 think, you know, that's -- you should focus on that and if you
14 -- I'm not sure where you're going with these questions. I'm
15 not sure if it's relevant but I think we should, for now, stick
16 to the facts of the job duties, which is what's most relevant.

17 MR. ADLONG: Okay.

18 HEARING OFFICER VALENTINE: I mean it seems like those
19 questions are going to credibility, which, you know, this isn't
20 an adversarial proceeding, it's not. We just need to get the
21 facts out.

22 MR. ADLONG: Okay.

23 Q BY MR. ADLONG: Can you describe how you got your job with
24 Buena Park Honda?

25 A Basically I applied online and I spoke to Phan, the

1 service manager.

2 Q You mean you applied online, where online did you go?

3 A I went to their direct website. I believe it was their
4 direct website, but I know it was through a website.

5 Q After applying what happened?

6 A Nothing I just came in and talked to Phan, and asked --

7 Q How did you know to come in?

8 A I just walked in.

9 Q After talking to Phan what happened?

10 A He told me pretty much I'm hired, he just had to talk to a
11 couple other gentlemen to make sure the interview was okay.

12 Q What other gentlemen did he say he needed to speak with?

13 A The gentleman in the room, Mike Vejar and I forgot his
14 name, I think Paymon. Some gentleman named Paymon from sales.

15 Q Did you talk to those individuals?

16 A Yes, sir.

17 Q Where at?

18 A In Phan's office.

19 Q Did you talk to them on the same day that you spoke with
20 Phan?

21 A No, I spoke to Phan then he called me back in to speak to
22 them on a different day.

23 Q About how long after your conversation with Phan did you
24 speak with them?

25 A My Phan conversation was probably about anywhere from 30

1 to 45 minutes long.

2 Q No, let me rephrase the question. So like if you talked
3 to Phan on a Monday how many days afterwards?

4 A The next day.

5 Q So you went back the next day?

6 A He told me to come back the next day.

7 Q Did you go back the next day?

8 A Yes.

9 Q When you went back who did you speak with?

10 A I spoke with Phan and then I believe it was Mike and then
11 Paymon.

12 Q What happened after that?

13 A They told me you're hired, just pending on backgrounds and
14 the basic protocols.

15 Q What basic protocols are you talking about?

16 A Background checks, drug screening and that's pretty much
17 it.

18 Q What did the background check involve?

19 A I don't know.

20 Q Do you know if you filled out a paper to have that done?

21 A Yes.

22 MS. GUIZAR: We can stipulate that hiring procedures are
23 the same in the entire sales department.

24 MR. JUAREZ: For all the employees.

25 HEARING OFFICER VALENTINE: Okay.

1 MS. GUIZAR: The unit they petitioned for includes sales,
2 parts, service, everything.

3 MR. JUAREZ: Service director, service managers, parts
4 managers, everybody.

5 HEARING OFFICER VALENTINE: That the hiring procedures are
6 the same or similar?

7 MS. GUIZAR: Right.

8 MR. ADLONG: The same.

9 HEARING OFFICER VALENTINE: The same for all employees in
10 the --

11 MR. JUAREZ: Yeah, it's the corporate policy.

12 HEARING OFFICER VALENTINE: -- service department
13 including --

14 MR. JUAREZ: For all employees.

15 HEARING OFFICER VALENTINE: -- the service technicians,
16 the parts, what are the position titles?

17 MR. ADLONG: So I think it would be for all the -- the
18 stipulation would be that they're stipulating that the hiring
19 procedure, background checks and drug screenings -- let's see,
20 hiring procedures, background checks and drug screenings are
21 the same for --

22 MS. GUIZAR: All employees of Buena Park Honda.

23 MR. ADLONG: We can't stipulate to that. Service
24 advisors, lube techs, service techs.

25 MR. JUAREZ: Service directors, parts directors.

1 accurate, I should say, but we'll assume that it is for the
2 moment.

3 (Counsel confer)

4 MR. ADLONG: I'm going to approach too just to make sure.

5 HEARING OFFICER VALENTINE: Sure.

6 Q BY MR. ADLONG: Now can you put a number two where a
7 customer would walk in to the dealership, like the physical
8 part of the dealership?

9 A Like the showroom?

10 Q Yeah.

11 HEARING OFFICER VALENTINE: Can I see how many different
12 spots is that? Two? So there's one -- it looks like there's a
13 QS written around M four-and-a-half I guess I'd say.

14 MR. ADLONG: Did you say QS or PS?

15 HEARING OFFICER VALENTINE: I don't know. It looks like
16 it says QS to me, it's handwritten on the showroom and then
17 near where it says new car display lot, there's a little
18 entrance, looks like an image of a door, that's the other one.
19 You can approach, that's those two, right?

20 THE WITNESS: Right here and right here.

21 MS. GUIZAR: We can stip those are doors and entrances.

22 Q BY MR. ADLONG: Can you draw a three where service
23 advisors generally kind of speak with customers?

24 HEARING OFFICER VALENTINE: Is it one location where it
25 says the service write-up, or is there any other locations?

1 THE WITNESS: No, in this general facility right here.

2 HEARING OFFICER VALENTINE: Okay.

3 MS. GUIZAR: Can we lay foundation as to his knowledge?

4 HEARING OFFICER VALENTINE: Sure.

5 MR. ADLONG: What was the question?

6 HEARING OFFICER VALENTINE: She's objecting -- she's asked
7 -- objecting on the basis of foundation and asking that
8 foundation be laid.

9 MR. ADLONG: To the service advisor issue?

10 HEARING OFFICER VALENTINE: Yes, to his knowledge of where
11 the service advisors --

12 MR. ADLONG: Okay.

13 Q BY MR. ADLONG: Do you work with the service advisors at
14 all?

15 A I work in contact with them because they are the ones who
16 do write up the cars for the customers.

17 Q Now, when you talk to them where do you talk to them?

18 A I talk to them; I would say 90 percent of the time to 95
19 percent of the time on their desk, but most of the time we
20 don't even talk to them. We do electronic feedback.

21 Q Okay. So you talk to them on their desk?

22 MS. GUIZAR: Objection, misstates testimony.

23 HEARING OFFICER VALENTINE: Let me just ask for a
24 clarification. You said something about 90 to 95 percent of
25 the time, so you talk to them electronically?

1 THE WITNESS: Well, we have something called VIS where
2 basically we write up all the things that we needed to get done
3 for the car and we send it to the advisors and they pull it up
4 on their screen. So that's the majority of the contact, and
5 then if we have any more issues, for example, questions, or we
6 have to elaborate on the repairs, then that's when we go talk
7 to them. They're always on their desks dealing with customers.

8 HEARING OFFICER VALENTINE: So when you said the 90 to 95
9 percent of the time what was that referring to?

10 THE WITNESS: The five percent is if we're working on a
11 vehicle and they walk into the shop and ask us, like, what's
12 going on, hey.

13 MR. ADLONG: So he's saying whenever they talk to them he
14 talks to them at the desk --

15 HEARING OFFICER VALENTINE: Well --

16 MS. GUIZAR: No, he's misstating testimony.

17 HEARING OFFICER VALENTINE: Hold on, hold on. I just only
18 want his testimony. Stop. So okay, how much of the -- so as I
19 understand you're saying five percent of the time you talk to
20 them somewhere other than their desk or by this VIS; right?

21 THE WITNESS: Uh-huh.

22 HEARING OFFICER VALENTINE: So what percentage of the time
23 is it through the VIS and what percentage of the time is the
24 other 95 percent, roughly?

25 THE WITNESS: The VIS?

1 HEARING OFFICER VALENTINE: The VIS versus --

2 THE WITNESS: The VIS is 100 percent of the time.

3 HEARING OFFICER VALENTINE: -- at their desk in-person?

4 THE WITNESS: The VIS is 100 percent of the time because
5 we have the protocol.

6 HEARING OFFICER VALENTINE: Right. Okay. If there's
7 additional conversation -- okay, so the VIS is always -- that's
8 the mode of communication about what has to be done?

9 THE WITNESS: Yes.

10 HEARING OFFICER VALENTINE: So you're saying this
11 elaboration that's not through --

12 THE WITNESS: Yeah, but usually -- yeah.

13 HEARING OFFICER VALENTINE: -- VIS? Hold on. The
14 elaboration is not through VIS?

15 THE WITNESS: Explain what you mean.

16 HEARING OFFICER VALENTINE: You said something about you
17 need to --

18 MR. ADLONG: Can I try one more time without maybe --

19 MS. GUIZAR: No, because you're not asking the questions.
20 I'd like the hearing office to continue to do her job, she's
21 doing fine

22 HEARING OFFICER VALENTINE: Just give me one --

23 MR. ADLONG: That's fine. I have no problem with that at
24 all.

25 HEARING OFFICER VALENTINE: -- one more attempt here. So

1 let's actually back up. I think actually it would be helpful
2 to have some foundation. So can you talk about, how does --
3 from the time that a customer, my car needs service, I come in.

4 MR. ADLONG: That's not where --

5 HEARING OFFICER VALENTINE: But if --

6 MS. GUIZAR: That's not where he wants to go.

7 MR. ADLONG: Listen I have --

8 HEARING OFFICER VALENTINE: -- if it's not going to make
9 sense I mean we need it, the reader of the record to be able to
10 understand the context of --

11 MR. ADLONG: No, you're trying to -- listen, I asked
12 where do the service advisor works. He was --

13 MS. GUIZAR: That wasn't the question.

14 MR. ADLONG: -- he asked --

15 HEARING OFFICER VALENTINE: Hold on.

16 MR. ADLONG: He was going to mark it and she said it
17 didn't lay foundation. That's what I want to get at. Let me
18 lay some foundation.

19 HEARING OFFICER VALENTINE: Okay.

20 MR. ADLONG: It's pretty easy.

21 HEARING OFFICER VALENTINE: Go ahead. Okay, got it, go
22 ahead.

23 **DIRECT EXAMINATION CONTINUED**

24 Q BY MR. ADLONG: Do you ever talk to the service advisors
25 -- do you talk to the service advisors where they're sitting at

1 a desk?

2 MS. GUIZAR: Leading.

3 MR. ADLONG: It's a yes or no question.

4 HEARING OFFICER VALENTINE: Let me ask a different
5 question. Do you ever talk to the service advisors in person,
6 communicate with them in person?

7 THE WITNESS: Yes.

8 Q BY MR. ADLONG: Where are they at when you talk to them in
9 person?

10 A They're in the showroom by their desks.

11 Q And when you talk to them in the showroom by their desk --
12 okay. Beyond talking to them in the showroom by their desk,
13 where else do you talk to them?

14 A It will usually be if they're walking through the shop or
15 if they're in the parts department.

16 Q So based on your interaction with them do you think you
17 can accurately mark where their work area is on this map right
18 here?

19 A Where their work area is?

20 Q Yeah, like where they generally work? Okay. Do you mind
21 putting a three there, please?

22 HEARING OFFICER VALENTINE: And it's -- I think we already
23 talked about this, in the area -- the little, if you want to
24 approach and look at it, the little half circle.

25 THE WITNESS: It's right here, within the showroom.

1 HEARING OFFICER VALENTINE: Do you want to see where he
2 marked it?

3 MR. ADLONG: Yeah, thank you.

4 THE WITNESS: Right here within the showroom.

5 Q BY MR. ADLONG: When a customer pulls up with their
6 vehicles to the service department where would they take their
7 vehicle? Well, better yet, let me ask you this, have you ever
8 seen a customer pull up to the service department with their
9 vehicle?

10 A Yes.

11 Q Okay. Can you show us where they would do that, please?

12 A How would you like me to show -- mark it with a different
13 number?

14 Q With a number 4, please.

15 MR. ADLONG: Madame Hearing Officer, can we --

16 HEARING OFFICER VALENTINE: I'm sorry. The number four is
17 I would -- I would say K five-and-a-half. Do you want to come
18 up and look at it? Is that one place or is there another one?

19 THE WITNESS: That's the only place.

20 HEARING OFFICER VALENTINE: Okay. He has it marked,
21 anything other than -- yeah, come --

22 THE WITNESS: Right here.

23 Q BY MR. ADLONG: Can you put a number 5, that would be
24 where -- well, better yet, let me ask this. Mr. Colon, in your
25 position do you work in the service department?

1 MS. GUIZAR: May I approach to see the last two markings,
2 please?

3 HEARING OFFICER VALENTINE: Yes.

4 THE WITNESS: Six is where the lube techs and then there's
5 a wall that blocks them from the service drive and this is the
6 other wall that keeps them away from the shop.

7 HEARING OFFICER VALENTINE: Let me see.

8 MR. ADLONG: Do you mind if I approach, Madame Hearing
9 Officer?

10 HEARING OFFICER VALENTINE: Yeah.

11 THE WITNESS: The other wall and they're boxed in.

12 HEARING OFFICER VALENTINE: Okay.

13 THE WITNESS: That's the wall.

14 Q BY MR. ADLONG: Can you mark a number 7 -- well, let me
15 ask you this, do you have -- is there a technician breakroom?

16 A There is a breakroom that everyone uses.

17 Q Okay.

18 A Salesmen, managers, because there's only really one
19 designated breakroom that I know of.

20 Q Do you mind marking it, please?

21 MR. ADLONG: Madame Hearing Officer, can you explain?

22 THE WITNESS: This is where the majority of the people --

23 HEARING OFFICER VALENTINE: So where it says lunchroom?

24 THE WITNESS: Uh-huh.

25 HEARING OFFICER VALENTINE: Under new car display it looks

1 like it is about five, between G and H, lunchroom.

2 MS. GUIZAR: May I ask what it was marked as?

3 HEARING OFFICER VALENTINE: Marked as number seven.

4 Q BY MR. ADLONG: Do technicians use that lunchroom?

5 A Yes.

6 Q Do lube techs?

7 A Yes.

8 Q Do service advisors?

9 A Yes.

10 Q Parts employees?

11 A Yes.

12 MS. GUIZAR: We could stipulate that all employees -- that
13 there's one lunchroom for all employees.

14 HEARING OFFICER VALENTINE: Okay. Does that work for you?

15 MR. ADLONG: We're willing to stipulate that all the
16 employees identified in the Employer's position statement use
17 the breakroom identified as number seven on Employer Exhibit 1.

18 HEARING OFFICER VALENTINE: Is that okay with you?

19 MS. GUIZAR: So stipulated.

20 HEARING OFFICER VALENTINE: Okay.

21 Q BY MR. ADLONG: Mr. Colon, are there restrooms in or
22 around the bays?

23 A Yes.

24 Q Can you mark those as number 8, please?

25 HEARING OFFICER VALENTINE: Just one?

1 THE WITNESS: Yeah, that's the one around the bay, and
2 there's another restroom here.

3 HEARING OFFICER VALENTINE: Okay. So it's next to -- it's
4 to the right of the -- its labeled restroom. It's to the right
5 of the storage room at about F -- around F5 if anyone wants to
6 look at it, that's number 8.

7 Q BY MR. ADLONG: Do technicians use those bathrooms?

8 A Yes.

9 MS. GUIZAR: Can we lay foundation? He's a technician.

10 HEARING OFFICER VALENTINE: Well, I think --

11 MR. ADLONG: Excuse me.

12 Q BY MR. ADLONG: Do service technicians use that bathroom?

13 A Yes.

14 Q Do lube techs use that bathroom?

15 A Yes.

16 Q Do service advisors use that bathroom?

17 A I don't see them in there when I'm in there. They usually
18 use the customer restroom which is by their office in their
19 section.

20 Q Do you ever use the customer restroom?

21 A Very rare, on occasions. We're not really allowed to
22 because we're kind of dirty. It's kind of like a not set in
23 stone rule, we just prefer to go use the back because we have
24 the proper soap and towels for us.

25 Q Do parts employees use that bathroom?

1 don't -- answer only if you know those things.

2 THE WITNESS: The only porters that move our cars are not
3 even part of Sonic Corporation. Part of independent shop, or
4 independent corporation called AA.

5 Q BY MR. ADLONG: Okay. Who is your supervisor?

6 A I have two supervisors. My first direct supervisor is
7 Daniel Godoy who is our shop foreman. And then anything after
8 that, we go to Phan. And if case, none of them are there, then
9 we go to Mike Vejar.

10 HEARING OFFICER VALENTINE: I'm sorry, what was Godoy?
11 His job title?

12 THE WITNESS: He's --

13 HEARING OFFICER VALENTINE: Foreman, did you say?

14 THE WITNESS: He's the shop foreman.

15 HEARING OFFICER VALENTINE: Thank you. And what is Phan's
16 job title?

17 THE WITNESS: He's our service director.

18 HEARING OFFICER VALENTINE: If she hasn't already, I think
19 the court reporter is going to ask you maybe how to spell --
20 can you spell Phan? I don't know if Phan's testifying.

21 THE WITNESS: P-H-A-N is Phan and his last name Nou,
22 N-O-U.

23 HEARING OFFICER VALENTINE: N-O-U. Thank you.

24 Q BY MR. ADLONG: Are you able to -- can you mark on the
25 facility map where Phan's office is please as number 10?

1 service drive to the customers.

2 HEARING OFFICER VALENTINE: There's a couple things I just
3 want to make sure -- I wasn't sure I heard you say the face of
4 the service drive?

5 THE WITNESS: For like -- yeah, he's like -- usually he's
6 the one who talks to customers on the drive if they have
7 issues.

8 HEARING OFFICER VALENTINE: Uh-huh.

9 THE WITNESS: And if someone needs to go on a test drive,
10 he goes on the test drives.

11 HEARING OFFICER VALENTINE: When you say service drive,
12 what does that mean?

13 THE WITNESS: Service drive is that driveway that's on the
14 map.

15 HEARING OFFICER VALENTINE: Okay.

16 THE WITNESS: Where customers pull up for their vehicles
17 to get serviced.

18 HEARING OFFICER VALENTINE: So are you talking about the
19 department when you say service drive?

20 THE WITNESS: No, I'm just talking about a certain
21 section.

22 HEARING OFFICER VALENTINE: Okay. And you said something
23 about he gives you your AO or your something? He gives you
24 your --

25 THE WITNESS: Oh, he gives us our ROs.

1 HEARING OFFICER VALENTINE: ROs.

2 THE WITNESS: Which is our repair orders that are out jobs
3 that need to get completed.

4 HEARING OFFICER VALENTINE: And when you said there are
5 problem cars, he takes care of it, does that mean he fixes it?

6 THE WITNESS: No, he will just go over it and then tell us
7 to call tech line.

8 Q BY MR. ADLONG: Anything else?

9 A He can approve like warranty work. He used to be able to
10 approve straight time if Dan's not around. And --

11 Q Can you explain what you mean by approve straight time?

12 A Straight time is hourly time that we have to flag for
13 Honda Corporation for warranty work. If there is a job that we
14 need to do and there's no OP number so we didn't get paid for,
15 he can approve straight time and it's usually up to an hour.

16 HEARING OFFICER VALENTINE: Is straight time, is that
17 extra time that you're working or is that --

18 THE WITNESS: No, it's not extra time. It's time that was
19 needed to complete a job. That there's not OP number.

20 HEARING OFFICER VALENTINE: So it's a way of --

21 THE WITNESS: It's a way of the technician's trying to get
22 paid for our warranty jobs. Because --

23 HEARING OFFICER VALENTINE: Does it affect whether you get
24 paid or whether the company gets paid?

25 THE WITNESS: It affects both. If we get allowed straight

1 time, then we get paid and then when they submit the claim to
2 Honda, Honda will pay that hour.

3 HEARING OFFICER VALENTINE: But it's not extra work? It's
4 an issue of -- it's an unusual circumstance or --

5 THE WITNESS: Yeah, if you need an example. The quick
6 example is just recently we had an engine that seized and Honda
7 doesn't pay for technicians to disassemble the head before
8 sending it to the head shop. In a situation of that sort, he
9 will usually offer an hour of straight time or he'll tell us to
10 go ask Phan to approve it, if Phan's available. But if he's
11 not available, then Daniel will give us an authorization. And
12 that's to disassemble a head, there's nothing on Honda's
13 records or any way we can get paid for that.

14 MS. GUIZAR: Madam Hearing Officer, as I mentioned, I
15 believe in opening statement, techs are paid flat rate. So
16 it's a different -- it's not your typical hourly rate of pay.
17 It's different so.

18 HEARING OFFICER VALENTINE: Yeah.

19 MR. ADLONG: That might be something we can discuss in
20 further. We'll talk about wages and stuff. Now, at that
21 point, it probably would make a better -- make more sense and
22 he could explain the straight time.

23 HEARING OFFICER VALENTINE: I'll make sure that it gets
24 clarified if he doesn't or, you know.

25 MS. GUIZAR: Oh, yeah.

1 Q BY MR. ADLONG: In what way do you work with Phan each
2 day?

3 A I very rarely talk to him because he's usually on the
4 service drive or with the writers inside the showroom or in his
5 office. But I usually go to him if there's discrepancy on
6 warranty or there's an issue. But majority of the time, it's
7 usually just a hello, how are you type deal.

8 Q How many times a week do you think you talk to him?

9 A Well, lately, not really a lot. Zero maybe. I won't say
10 zero. Probably two, three times regarding work concerns.

11 Q And then you said you were supposed to go to talk to Mike
12 Vejar if for some reason you can't get ahold of Phan and you
13 need --

14 A That's usually rare. It's maybe once every couple of
15 months. And that's usually if pretty much if Phan's gone for
16 the day or it's Saturday and Phan has left early or if Mike's
17 there. But that's very rare. And we talk, but we don't talk
18 about business.

19 Q Turning your attention back to the service -- the kind of
20 -- where the bays are and where the lube techs work and where
21 the service techs apparently work, you see that you marked six
22 where it says quick lube?

23 HEARING OFFICER VALENTINE: Do you see that?

24 THE WITNESS: Uh-huh, yeah, I see it.

25 Q BY MR. ADLONG: Then it looks like it says there's a

1 between those bays and the bays on the south wall?

2 A Best guesstimate probably --

3 MS. GUIZAR: Objection. We don't want a guesstimate.

4 Calls for speculation.

5 HEARING OFFICER VALENTINE: I'm also -- I'm sorry, I'm
6 actually unclear on which bays we're talking about. Are you
7 talking about quick lube bays versus service department bays?
8 Is that --

9 MR. ADLONG: Where he marked number 5 on that south wall.

10 THE WITNESS: Oh, do you want from wall to wall or from
11 where the stall ends to the other stall begins or how would you
12 like --

13 Q BY MR. ADLONG: Yeah, from where the stall ends to the
14 other stall begins.

15 MR. JUAREZ: Got a problem, there's a wall there, but
16 there's no bays. It just says 5.

17 THE WITNESS: I'm not a contractor. I'm only a technician
18 so my guesstimate would probably be about 25 feet.

19 MS. GUIZAR: I would object to guesstimate. Calls for
20 speculation as to the distance.

21 HEARING OFFICER VALENTINE: I mean it is what it is. It's
22 -- maybe another witness can clarify. So just move on.

23 Q BY MR. ADLONG: Can you describe how you are compensated
24 please?

25 A How I am compensated is we are paid flat rate which is

1 minimum wage of \$20. My hourly rate is 22. I get paid on
2 piece work. So in other words, the work that's completed,
3 whatever the amount of hours I get paid, it defers. So if I
4 hit 80 hours, then I'm at \$22 times 80. If I hit 70 --

5 Q Times eight or 80?

6 A Eighty. So if I'm -- if I hit 80 hours, it's 80 times 22.
7 If I hit 79 or less, it's 79 times 20. Or I believe the hours
8 that on their clock-in. I get paid clock time.

9 Q Now, when you say if I get 80 hours, are you talking about
10 flag hours?

11 A Depends. If I am there physically for 80 hours --

12 Q Uh-huh.

13 A -- and I'm only flagging 79 hours, then I get paid 80
14 times 20. If I'm there physically for 80 hours and I flag 100
15 and something hours, then it's 100 and something times 22 or 80
16 plus -- whatever 80 or above.

17 Q So I feel like I get what you're saying, but I just want
18 to make sure. When you say if you hit 80 hours, that hit, the
19 number that you're referencing hit, that's how many hours you
20 flagged; is that right?

21 A Okay. Let me rephrase myself. If I'm there physically 80
22 hours --

23 Q Okay.

24 A -- and I only flag 75 hours, then I get paid my physical
25 time there which is 80 times 20. If I hit -- if I'm there 80

1 hours and I hit I believe 80 or 81, past 80 hours, I pass my
2 physical time of flag rate, piece work, then I get paid the 22
3 times whatever hours I made above 80.

4 Q Okay. So do you get paid --

5 HEARING OFFICER VALENTINE: I don't understand at all.
6 I'm completely confused. Can we just back up and start with
7 just pretend that -- well, I don't know anything about your
8 work and how it -- how -- I don't know the jargon. Flag, hit,
9 I don't know what that means.

10 THE WITNESS: Uh-huh.

11 HEARING OFFICER VALENTINE: Eighty hours, you know, clock
12 time. So just pretend that I'm a complete idiot which I
13 basically am for this context, okay.

14 THE WITNESS: Okay.

15 HEARING OFFICER VALENTINE: And just break it down. You
16 know, like if it's my first day on the job.

17 THE WITNESS: Okay.

18 HEARING OFFICER VALENTINE: I don't know how it works.
19 I'm like how much am I going to get paid? How do I know?

20 THE WITNESS: So is it okay if I talk to you like a
21 technician's first day on the job? With respect.

22 HEARING OFFICER VALENTINE: Oh, I don't know what that
23 means.

24 THE WITNESS: That's the easiest way.

25 HEARING OFFICER VALENTINE: I don't know what that means.

1 I'll just stick to the money part of it anyway.

2 THE WITNESS: Okay. Basically, how it is, it's we get
3 paid \$20 time every physical hour that we're there.

4 HEARING OFFICER VALENTINE: And when you say physical
5 hour, do you mean actually --

6 THE WITNESS: Clock on time.

7 MR. JUAREZ: Clocked.

8 THE WITNESS: The time that -- that time is clocked.

9 HEARING OFFICER VALENTINE: So let's back up, okay. So
10 I'm the new guy.

11 THE WITNESS: Okay.

12 HEARING OFFICER VALENTINE: I get to work at 8:00. I
13 clock in.

14 THE WITNESS: Yes.

15 HEARING OFFICER VALENTINE: So when you say physically
16 there 80 hours, that means I'm there --

17 THE WITNESS: Five days a week, eight hours a day.

18 HEARING OFFICER VALENTINE: -- for eight hours a day for a
19 two week pay period.

20 THE WITNESS: For two weeks.

21 HEARING OFFICER VALENTINE: That's -- that --

22 THE WITNESS: For our pay period because we don't get paid
23 two weeks. But for our pay period.

24 HEARING OFFICER VALENTINE: How long is a pay period?

25 THE WITNESS: I believe -- I might get the dates mixed up,

1 but I believe it starts from the 9th to the 23rd.

2 HEARING OFFICER VALENTINE: No, but I'm asking how many
3 hours are in a pay period?

4 MR. JUAREZ: Eighty.

5 HEARING OFFICER VALENTINE: There are 80?

6 THE WITNESS: Yeah. Usually it's 80. Once in a while,
7 depends on the month, we might have an extra day because of the
8 way the month is. But I was --

9 HEARING OFFICER VALENTINE: Okay. Let's forget about that
10 for now, all right. Okay.

11 THE WITNESS: Okay. Usually it's 80. We'll stick with
12 80.

13 HEARING OFFICER VALENTINE: Okay. In the pay period?
14 Okay. Those are the hours you're physical there?

15 THE WITNESS: Yes.

16 HEARING OFFICER VALENTINE: Okay. Now what's -- and so
17 that's clock time?

18 THE WITNESS: Yes.

19 HEARING OFFICER VALENTINE: Okay. Because you literally
20 punch in/punch out or whatever?

21 THE WITNESS: Yes.

22 HEARING OFFICER VALENTINE: And there's flag time?

23 THE WITNESS: Yes.

24 HEARING OFFICER VALENTINE: I'll stop. You continue
25 explaining.

1 THE WITNESS: Okay. So say if you were the new guy,
2 obviously you know, you wouldn't know how the system is ran or
3 if you're, you know, fresh off the street and you're a new
4 technician, technically you'll be a little slower. So within
5 those two weeks, if you're only -- if you can only flag 60
6 hours of cumulative of the two weeks, but you were there 80
7 hours, the company will pay you 80 times 20. But if you're
8 there for the physical 80 hours and you hustle and you flag a
9 lot of work, and you did a lot of jobs and say you racked up
10 above 80, like you flagged hours you hit above 80, but you're
11 only there physically 80 hours, then you'll get paid the 20 --
12 I'll get paid the \$22 rate times the hours I flagged.

13 HEARING OFFICER VALENTINE: And okay -- and so you
14 actually have to break this down I think honestly for our
15 record as well because I think I'm starting to remember from
16 some previous cases I've had with mechanics. So the flag, is
17 this a thing where there's a book and you have a certain like
18 if I need my spark plug changed --

19 THE WITNESS: Yes, it's --

20 HEARING OFFICER VALENTINE: I don't know if you do
21 anything that basic but --

22 THE WITNESS: Usually --

23 HEARING OFFICER VALENTINE: -- it's supposed to take X
24 number of time.

25 THE WITNESS: Yes.

1 HEARING OFFICER VALENTINE: Okay. So can you break down
2 that part because that's what's missing.

3 THE WITNESS: So example, brake jobs across the board,
4 front brake jobs are two hours. If we get it done in 30
5 minutes, we still get paid the two hours. Like we'll
6 accumulate the two hours. So we'll add them up. And then at
7 the end of the pay period, if our hours that we have added up
8 beats the time that we're physically there, our 80 hours every
9 two weeks --

10 HEARING OFFICER VALENTINE: Uh-huh.

11 THE WITNESS: -- then we get that pay. The 22 and it
12 bumps up to 22 times the hours you accumulated.

13 HEARING OFFICER VALENTINE: For all of the hours or just
14 those extra above 80?

15 THE WITNESS: For all the hours.

16 HEARING OFFICER VALENTINE: Okay.

17 THE WITNESS: So if you did the brake job, for example, if
18 you -- all you had were just a brake job for the day and we're
19 really slow --

20 HEARING OFFICER VALENTINE: Uh-huh.

21 THE WITNESS: -- but you're there physically for eight
22 hours, that actually hurts you because you're accumulated hours
23 aren't added up. So then it's kind of -- it's kind of hard to
24 explain unless you're working the system.

25 HEARING OFFICER VALENTINE: Okay.

1 MS. GUIZAR: If I --

2 THE WITNESS: Like you understand what's going on like how
3 to work -- like how to --

4 Q BY MR. ADLONG: Is it fair to say that you're better off
5 if you -- you get paid a higher rate if you flag more hours
6 than the time you're clocked in each week?

7 A For me? Yes. But not for everyone else.

8 Q Okay.

9 HEARING OFFICER VALENTINE: Because you're paid flat rate?

10 THE WITNESS: Because I'm paid flat rate. Yes. So it's
11 better for me to make -- to produce more.

12 MS. GUIZAR: If I may just direct Madam Hearing Officer to
13 California Labor Code Section 226.2 which was recently put into
14 effect. And it lays out the California piece rate law and it
15 explains piece rate and how it works and how employees are
16 paid. And I can provide that as well.

17 HEARING OFFICER VALENTINE: Is that the legal basis for it
18 or that explains actually how it works with these --

19 MS. GUIZAR: It actually should apply to these employees
20 as well because that's the law.

21 HEARING OFFICER VALENTINE: Okay.

22 MS. GUIZAR: If they are piece rate employees and they're
23 paid piece rate --

24 HEARING OFFICER VALENTINE: Uh-huh.

25 MS. GUIZAR: -- it needs to comply with the California

1 Labor Code and how they're paid. So I can --

2 HEARING OFFICER VALENTINE: Okay. Wait, hold on. I'm
3 confused. Are you saying it explains this? What do you --

4 MS. GUIZAR: I think it -- it explains what piece rate
5 is --

6 HEARING OFFICER VALENTINE: Okay.

7 MS. GUIZAR: -- for purposes of --

8 HEARING OFFICER VALENTINE: Got you.

9 MS. GUIZAR: -- the fact finder --

10 HEARING OFFICER VALENTINE: Got you.

11 MS. GUIZAR: -- in trying to determine what it is.

12 HEARING OFFICER VALENTINE: Okay.

13 MS. GUIZAR: There is legal authority that explains it and
14 I can provide that.

15 HEARING OFFICER VALENTINE: Okay. Or we can just take --
16 can I take --

17 MS. GUIZAR: Judicial notice.

18 HEARING OFFICER VALENTINE: -- judicial notice or hearing
19 officer notice of that section in the labor code --

20 MS. GUIZAR: Yes.

21 HEARING OFFICER VALENTINE: -- I mean the law is what the
22 law is. That's -- okay.

23 MS. GUIZAR: 226.2.

24 MR. ADLONG: Well, I mean if they want to deal with
25 that --

1 HEARING OFFICER VALENTINE: Well, I'm not --

2 MR. ADLONG: -- when she's putting him on, they can.

3 We're not going to do it with him.

4 HEARING OFFICER VALENTINE: No, I'm just saying -- I mean
5 -- okay.

6 MS. GUIZAR: It's a fact finding hearing. I'm trying to
7 assist the fact finder and --

8 HEARING OFFICER VALENTINE: Okay. Okay. Let's move on.
9 So okay, so I think I understand now how the work -- so the
10 flag hours are meaning you get two hours for a brake job.
11 That's --

12 THE WITNESS: It's accumulated piece work.

13 HEARING OFFICER VALENTINE: Accumulated piece work. Okay.
14 Thank you. I think I get it. Oh, let me -- actually though,
15 let me just -- so this is referring back to the point that
16 Ms. Guizar said earlier. So then authorizing straight time
17 means that so if you are working on something that doesn't fit
18 under a warranty or whatever, then does that mean that you get
19 paid \$20 an hour to do that work?

20 THE WITNESS: That depends if -- because straight time --

21 HEARING OFFICER VALENTINE: Or \$22?

22 THE WITNESS: It gets -- straight time get added to our
23 flat rate or our flag hours.

24 HEARING OFFICER VALENTINE: So it is extra?

25 THE WITNESS: Yes.

1 HEARING OFFICER VALENTINE: Got you.

2 THE WITNESS: Do the actual work we have to do.

3 HEARING OFFICER VALENTINE: Got you. Okay. Thanks. For
4 someone who's paid a flat rate, that's how it works?

5 THE WITNESS: Yes.

6 HEARING OFFICER VALENTINE: Okay.

7 Q BY MR. ADLONG: Now, how many service technicians are
8 there?

9 A There are 14 working service technicians that are under
10 the same -- similar, not the same, but similar -- well, I'll
11 say when it comes to piece work and hourly, we're the same.
12 But when it comes to rate --

13 HEARING OFFICER VALENTINE: Hold on.

14 THE WITNESS: Sorry.

15 HEARING OFFICER VALENTINE: He asked how many.

16 THE WITNESS: Fourteen.

17 HEARING OFFICER VALENTINE: Sorry.

18 Q BY MR. ADLONG: What distinctions were you just trying to
19 make about these guys?

20 MS. GUIZAR: Vague and ambiguous as to these guys.

21 HEARING OFFICER VALENTINE: Can you just say which guys
22 you're talking about?

23 MR. ADLONG: I think -- he's a smart guy.

24 MS. GUIZAR: Well, it's the reader of the record who's
25 going to make a finding.

1 HEARING OFFICER VALENTINE: Right.

2 MS. GUIZAR: Not this smart guy.

3 MR. ADLONG: It's pretty natural so.

4 HEARING OFFICER VALENTINE: Okay. Come on.

5 MR. ADLONG: Anyways.

6 HEARING OFFICER VALENTINE: Come on.

7 Q BY MR. ADLONG: So, Mr. Colon, what distinctions were you
8 just trying to make about these service technicians?

9 A Well, these 14, they get paid the same way when it comes
10 to flat rate.

11 Q Okay.

12 HEARING OFFICER VALENTINE: Are you saying that there are
13 service technicians who are not paid flat rate?

14 THE WITNESS: No.

15 MR. ADLONG: He's saying that they get a different hourly
16 rate than he does.

17 MS. GUIZAR: That's not -- is he testifying?

18 HEARING OFFICER VALENTINE: Hold on. Just ask questions.

19 Q BY MR. ADLONG: Are you saying that they get a different
20 hourly rate than you?

21 MS. GUIZAR: Leading. And assumes facts not in evidence.

22 HEARING OFFICER VALENTINE: Just --

23 MS. GUIZAR: Lacks foundation.

24 MR. ADLONG: It's not leading. It's a yes or no question.

25 MS. GUIZAR: Ask -- it's leading.

1 HEARING OFFICER VALENTINE: Hold on. Okay. Just --

2 MS. GUIZAR: This isn't cross-examination.

3 HEARING OFFICER VALENTINE: -- okay.

4 MR. ADLONG: That's fine. It's a fact finding --

5 HEARING OFFICER VALENTINE: Okay.

6 MR. ADLONG: -- it's non-adversarial, so --

7 MS. GUIZAR: Well, ask the question that makes sense,

8 Daniel. You're wasting your time.

9 HEARING OFFICER VALENTINE: Okay, come on, come on, come
10 on, come on.

11 MR. ADLONG: You're the one screaming.

12 HEARING OFFICER VALENTINE: You guys --

13 MR. ADLONG: Like I don't know.

14 HEARING OFFICER VALENTINE: Okay. Stop, stop, stop, stop.

15 Okay. So there are 14 who work who are paid flat rate, right?

16 THE WITNESS: Yes.

17 HEARING OFFICER VALENTINE: And are there other service
18 technicians who are paid in some different way?

19 THE WITNESS: No.

20 Q BY MR. ADLONG: Do any service technicians earn a
21 different rate than you if you know?

22 A Not off the top of my head. I don't know what their rate
23 are -- is, but I know everyone is at a different rate.

24 Q So going back to when you applied for work, did you have
25 any special training for your position?

1 MS. GUIZAR: What was wrong with the back one?

2 MR. ADLONG: Well, because I was trying to get to what he
3 does. So if you want to do everything, that's fine.

4 HEARING OFFICER VALENTINE: We'll get the rest of it some
5 -- from someone else at some point.

6 MR. ADLONG: Yeah, we'll get it from somewhere, but
7 like --

8 HEARING OFFICER VALENTINE: It's okay. I think we -- most
9 of us understand how that works but --

10 MR. ADLONG: Okay.

11 HEARING OFFICER VALENTINE: -- we'll get the specifics for
12 sure from the right person.

13 Q BY MR. ADLONG: So can you tell me what you do?

14 A Yeah. The way I get my work is depends on the service
15 advisor. If they want to run it through the express shop, so
16 they stamp it with express. That means express techs are the
17 only one that can work on it pretty much because it goes
18 through the express. Or he needs to stamp it shop. If it's a
19 shop ticket, it's usually a high -- it needs more intense or
20 more qualified labor. So if they stamp it shop, they give it
21 to Daniel Godoy. Therefore, Daniel Godoy will determine which
22 technician is available to work on it.

23 Q Okay. So then once it gets stamped, at what point does it
24 come to you?

25 A It comes to me after they give it to Daniel Godoy.

1 Q And what does Daniel Godoy do?

2 A He's our shop foreman.

3 Q Okay. But what does he do?

4 A What does he do as in?

5 Q Yeah, like you said he's your shop foreman. So it gets
6 stamped, it goes to Daniel, then what does he do with the cars?
7 Does he like tell you who does -- who's going to work on them,
8 like how --

9 A Yeah, he'll walk up to us and ask us if we can take care
10 of this vehicle.

11 Q And then at that point, what would you do?

12 A I will look at the vehicle and if there's anything that
13 needs to be repaired or any recommendations, that's when I use
14 the VIS and submit the work that's needed or the parts that are
15 needed to request like the quote. We either go to the service
16 advisor if it's, for example, if it's like a brake for us, it's
17 already a set price, so, therefore, it doesn't need to go to
18 parts. But if I need like a window switch, then I have to send
19 it to parts first so they can get the price and then from
20 there, they get the price and they'll send the quote back to
21 the advisor. So the advisor will get it.

22 Q When you tell them something needs to be done, can that
23 end up and be more flag work for you?

24 A If I need something that needs to get done, yes, obviously
25 it will be more flag work for me.

1 it. If we can, we'll replace it at the shop.

2 HEARING OFFICER VALENTINE: So it's not considered body
3 work?

4 THE WITNESS: No, we don't -- I don't do body work. Body
5 work is such as a damaged vehicle, such as fenders, bumpers
6 that are damaged and they got to be either Bondo, painted,
7 sanded. We don't do body work.

8 HEARING OFFICER VALENTINE: Okay. But there's like wires
9 and things in there in the roof?

10 THE WITNESS: Yes. In the headliner, there's wires that
11 are basically for the dome lights, for the lights on top of the
12 roof. So if there's a short in there, then yeah, we'll have to
13 drop to headliner and find the short or replace a harness.

14 HEARING OFFICER VALENTINE: Okay.

15 THE WITNESS: Dash harnesses. We do dashes, dash
16 harnesses, heater cores.

17 Q BY MR. ADLONG: So you said transmission services, is that
18 right?

19 A Yes, we do transmission services and also replace
20 transmissions.

21 Q Do you do tire replacements?

22 A I do.

23 Q Do you do tire rotations?

24 A Yes, I do.

25 Q Do you work on shocks?

1 a camera.

2 HEARING OFFICER VALENTINE: Bore scope?

3 THE WITNESS: Yeah.

4 HEARING OFFICER VALENTINE: Okay.

5 Q BY MR. ADLONG: Now, all that recall work, were you able
6 to flag that work?

7 A Yes.

8 Q What type of work do -- can you describe the tech work,
9 please?

10 A Yes. Lube tech work consists of drain and refills of
11 transmission, which is just like an oil change; oil changes;
12 tire repairs; tire rotations; mount and balancing tires; air
13 filters; batteries, cabin filter; wiper blades; bulbs, anything
14 that they can do pretty much with no tools or hardly any
15 experience.

16 Q And I understand that's work that you don't do?

17 A No, I'm qualified to do them and I still do them. It
18 depends if the work is given to me through my shop foreman.

19 Q So do you still drain and refill transmissions?

20 A Yes. If it's on the ticket, I will drain the refill
21 transmission.

22 Q Do you still mount and balance?

23 A Yes.

24 Q Do you still use -- do you still fix air filters?

25 A Replace air filters?

- 1 Q Yes?
- 2 A If it comes in as a service, yes.
- 3 Q Do you still do batteries?
- 4 A Yes.
- 5 Q Wiper blades?
- 6 A Yes.
- 7 Q Bulbs?
- 8 A Yes.
- 9 Q Okay. Now, it's correct to say you do those jobs just
- 10 individually, like as if a -- like as a lube tech would, right?
- 11 A Yes. I would do it as a lube tech, but it's only if it
- 12 comes as a service.
- 13 Q You don't --
- 14 A There's a difference way how they -- that will make us do
- 15 it.
- 16 Q Long story short, a standard service, as I under -- am I
- 17 right to understand that a standard service is change the oil
- 18 and like tire rotation?
- 19 A Yes.
- 20 Q And that's lube tech work?
- 21 A That would go to the lube techs.
- 22 Q Okay. And you do those same sorts, the standard service,
- 23 stand alone, correct?
- 24 A To stand alone, yes.
- 25 Q Okay. And you regularly do that work too, right?

1 A If we're behind, then the shop foreman will tell me to
2 take a car.

3 Q Okay. Now, do you -- service technicians, are you able --
4 are you ever able to -- or how often do you flag the work of
5 another service technician?

6 A Service technicians, I don't ever flag their work.

7 Q Okay.

8 A The only time I've ever touched their work is if they're
9 off. For example, if my gentleman next to me is off and the
10 car needs to get done, then usually we'll -- he'll get paid the
11 diag fee and I'll do the work.

12 Q Okay. But you wouldn't flag the work that they do?

13 A No.

14 Q Okay. Now, how often -- do you know what an MM3
15 transmission and fluid exchange is?

16 A An MM3 transmission fluid exchange, yes.

17 Q Okay. What is it?

18 A Okay. The fluid exchange, that I can recall -- because
19 I'm not sure what an MM -- I don't know what MM3 is, but I see
20 transmission fluid exchange. It means to drain it, refill it,
21 lift up the vehicle, run it for about I'll say anywhere about
22 10 to 30 seconds, or just run it up in the air. Then you drain
23 it again. You refill it, raise it back up, run it again, and
24 then you drain it and put the fluid that's going to stay in
25 there.

1 Q Okay. And do you do that work?

2 A Yes.

3 Q Do lube techs do that work?

4 A I have never seem them.

5 Q You never seen them? It's fair to say -- is it fair to
6 say you make more money if you ever flag somebody else's work?

7 MS. GUIZAR: Relevance. Misstates testimony. He's
8 already testified that he doesn't flag other service
9 technician's work.

10 HEARING OFFICER VALENTINE: I don't see the relevance.

11 MR. ADLONG: If you'll -- I mean I can make an offer of
12 proof if you want to have everybody leave the room.

13 HEARING OFFICER VALENTINE: Okay. Very briefly.

14 MR. ADLONG: And not with him in here, or those guys in
15 here.

16 MS. GUIZAR: This is not an adversarial hearing. It's a
17 fact-finding hearing that's a community of interest.

18 HEARING OFFICER VALENTINE: It's just -- I'm just trying
19 to move this along. I mean it's a hypothetical, isn't it? I
20 mean I don't --

21 MR. ADLONG: I don't know. We'll find out.

22 HEARING OFFICER VALENTINE: But he said that he did
23 testify that he didn't -- do you know if anyone flags anyone
24 else's work? Any service techs?

25 THE WITNESS: Serve techs does not -- they don't flag

1 either other's work, service techs.

2 HEARING OFFICER VALENTINE: Are there other employees who
3 flag either other's work or who flag work at all?

4 Q BY MR. ADLONG: How often do you flag a lube tech's work?

5 HEARING OFFICER VALENTINE: Hold on, hold on. Let him
6 answer the questions I had.

7 THE WITNESS: What's the question?

8 HEARING OFFICER VALENTINE: Is it correct you testified
9 that you don't flag any --

10 THE WITNESS: Service techs work.

11 HEARING OFFICER VALENTINE: Any service tech's work.

12 THE WITNESS: No.

13 HEARING OFFICER VALENTINE: Do you flag someone -- any
14 other employee's work?

15 THE WITNESS: The only work I flag are the cars that I'm
16 involved in.

17 Q BY MR. ADLONG: Okay. So, do you flag work that's been
18 done by a service tech?

19 A By a service tech?

20 MS. GUIZAR: Asked and answered.

21 Q BY MR. ADLONG: Excuse me. Do you flag work that's been
22 done by a lube tech?

23 A By a lube tech? Yes, but when I do, I'm involved in the
24 vehicle, so it's not like you're just flagging it.

25 Q So, just answer the question, please.

1 MS. GUIZAR: Excuse me.

2 Q BY MR. ADLONG: So, for example, what type of work do you
3 flag -- better yet, let's turn our attention to kind of like
4 the airbag inflator. Did you flag a lube tech's work when they
5 worked on an airbag inflator?

6 A No. Not that I can remember, no.

7 Q No, okay.

8 HEARING OFFICER VALENTINE: Mr. Adlong, is going to get to
9 the court issues?

10 MR. ADLONG: Yeah, this is a court issue.

11 HEARING OFFICER VALENTINE: What issue is this getting to?

12 MR. ADLONG: This guy makes money off the lube tech's
13 work.

14 MS. GUIZAR: That's not the issue.

15 HEARING OFFICER VALENTINE: Does that make -- so that has
16 something to do with the community of interest?

17 MR. ADLONG: Absolutely.

18 HEARING OFFICER VALENTINE: How so?

19 MR. ADLONG: Are you serious?

20 HEARING OFFICER VALENTINE: I am.

21 MR. ADLONG: How so?

22 HEARING OFFICER VALENTINE: Yeah.

23 MR. ADLONG: There's a community -- there's a community of
24 interest when he makes money off the lube tech's work.

25 MS. GUIZAR: May I respond?

1 MR. ADLONG: Their wages increase because of the work that
2 the lube techs do.

3 MS. GUIZAR: May I respond?

4 HEARING OFFICER VALENTINE: Briefly, yes.

5 MS. GUIZAR: With respect to community of interest?

6 HEARING OFFICER VALENTINE: Yes.

7 MS. GUIZAR: The overlap of lesser-skilled duties between
8 employees and the petition for a unit and other employees does
9 not negate the separate identify of the petition for a craft
10 unit.

11 And that's Burns and Row Services Corp, 313 NLRB 1307 at
12 1309, footnote 11 (1994).

13 MR. ADLONG: That --

14 MS. GUIZAR: So what -- I don't know if Mr. Adlong is
15 trying to accuse this witness or service techs of engaging in
16 some sort of fraud.

17 HEARING OFFICER VALENTINE: What it seems like -- well,
18 no, no, no. Well, I --

19 MR. ADLONG: No, no, no, no, not at all. I'm not trying
20 to do that.

21 MS. GUIZAR: But even if he's trying to show that these
22 employees engage in some lesser skill of job.

23 HEARING OFFICER VALENTINE: And that's already been
24 covered. But I think that's --

25 MS. GUIZAR: So, he's testified as to what he's done.

1 MR. ADLONG: Here's the deal. I'm entitled --

2 MS. GUIZAR: But he's trying to --

3 HEARING OFFICER VALENTINE: Hold on, hold on, hold on.

4 All right, let's just not get -- go too far. I understand what
5 you're saying.

6 MS. GUIZAR: I would like us to stick to the relevant
7 issue before the hearing officer, and that will be decided by
8 the Regional Director as to appropriateness of the unit.

9 HEARING OFFICER VALENTINE: Right.

10 MS. GUIZAR: And I think that Mr. -- we've given
11 Mr. Adlong quite a bit of leeway and I think he's going far and
12 away from the issue that's relevant at this hearing.

13 MR. ADLONG: That's -- she doesn't listen. She -- just
14 because she spouts off the case and says a couple numbers, NLRB
15 and then a couple more numbers, it doesn't mean that's
16 controlling. That's an argument that gets to be decided by the
17 Regional Director. We're here to collect facts and I'm --
18 listen, I'll tell you this. I'm not accusing him of fraud, you
19 know?

20 HEARING OFFICER VALENTINE: And I'm not concerned about
21 that, but I am --

22 MR. ADLONG: And so here's the issue is that to the extent
23 there are facts that suggest that these people have common
24 interest in wages because of the fact that these guys make
25 money off their work, we're entitled to put that in because it

1 goes to the core of wages, which is one of the very single most
2 important parts of community of interest. So we're entitled to
3 put that in there. She's entitled to make the argument that it
4 doesn't matter, that it's on overlap and that it doesn't apply.

5 But at the end of the day, we are entitled to put that in
6 and we are entitled to get facts on the record on that issue.

7 MS. GUIZAR: That's not what he's presenting.

8 HEARING OFFICER VALENTINE: How much more do you have on
9 that subject?

10 MR. ADLONG: Well, I want to go through different jobs
11 that he do and ask where a lube tech gets involved in stuff,
12 and if he does, I'm entitled to do that.

13 HEARING OFFICER VALENTINE: I'm not sure that you are, and
14 I --

15 MR. ADLONG: How can you not be entitled to ask about
16 wages?

17 MS. GUIZAR: Yeah, that's not what you're --

18 HEARING OFFICER VALENTINE: Hold on, stop, stop, stop,
19 stop, stop. So are we getting into this offer of proof that --
20 because in colloquy between you, it's not --

21 MR. ADLONG: I'm talking directly to you.

22 MS. GUIZAR: I know it's not helpful.

23 HEARING OFFICER VALENTINE: We just shouldn't -- right.
24 And it's just not --

25 MS. GUIZAR: And I apologize.

1 HEARING OFFICER VALENTINE: Yeah. Maybe --

2 MR. ADLONG: Both parties.

3 HEARING OFFICER VALENTINE: -- maybe --

4 MR. ADLONG: Both parties. Anyone who is going to testify
5 from both parties should be out.

6 HEARING OFFICER VALENTINE: Yeah, fine. Can everybody
7 clear out? Just go out to the hallway.

8 MR. ADLONG: You can stay. You're the Employer.

9 MR. JUAREZ: Oh.

10 HEARING OFFICER VALENTINE: We'll try to make it quick.
11 We don't want to prolong this. I just want to know what -- how
12 it's relevant. How -- yeah, just it's to the relevance.

13 MR. ADLONG: Our position is that these guys -- you have
14 the lube techs and you have the service techs. When the lube
15 techs do work that the service techs bill for, and they're
16 earning more money because of the work that the lube techs
17 do.

18 HEARING OFFICER VALENTINE: Okay.

19 MR. ADLONG: So what's going to happen is, is they're
20 asking to bargain about wages and terms and conditions of
21 employment. And those wages and terms and conditions of
22 employment are improving on the back of these lube techs. They
23 have a vested interest in what happens.

24 HEARING OFFICER VALENTINE: Who has a vested interest?

25 MR. ADLONG: The lube techs. Because if these people --

1 because if these guys are going to start getting paid for it,
2 if their wages are changing -- like any change to the fact that
3 they can't flag lube tech work, that would be a unilateral
4 change. All of that stuff has to be bargained.

5 MS. GUIZAR: May I --

6 HEARING OFFICER VALENTINE: Well hold on. Hold on.

7 MS. GUIZAR: -- yeah.

8 HEARING OFFICER VALENTINE: But logically speaking -- I
9 mean, it seems to me, if anything, it's a conflict of
10 interest --

11 MR. ADLONG: What do you mean?

12 HEARING OFFICER VALENTINE: -- in my mind, between the two
13 of them. I mean, if it's like if I'm going to benefit, if I'm
14 going to take credit for your work -- I'm just making this up,
15 okay, off the top of my head. But just -- and being simplistic
16 about it. I'm going to take credit for your work and bill for
17 it, I'm profiting from your work. If anything, you know,
18 you're at a disadvantage because of that. That doesn't link
19 us. That makes us -- you know, that means that we're --

20 MR. ADLONG: That gets to the very -- that's --

21 HEARING OFFICER VALENTINE: -- but --

22 MR. ADLONG: -- that's the very --

23 HEARING OFFICER VALENTINE: -- but why --

24 MR. ADLONG: -- point of it.

25 HEARING OFFICER VALENTINE: -- but why would that mean

1 that they should be in the same unit? I mean, if their
2 interests are --

3 MR. ADLONG: Because --

4 HEARING OFFICER VALENTINE: -- if their interests are
5 actually not aligned --

6 MR. ADLONG: No. Because that's the deal. We don't know
7 if they're aligned or not. They're going to deal with the
8 compensation. The way that work is compensated, it's going to
9 be bargained.

10 HEARING OFFICER VALENTINE: So you're saying --

11 MR. ADLONG: And because it's going to be --

12 HEARING OFFICER VALENTINE: -- that because of how --

13 MR. ADLONG: -- bargained, it's --

14 HEARING OFFICER VALENTINE: -- it works, they're
15 inextricably linked?

16 MR. ADLONG: They're linked --

17 HEARING OFFICER VALENTINE: Is that what you're saying?

18 MR. ADLONG: -- to each other because of the fact that if
19 they bargain this work -- let's say they start to say you want
20 to know what, lube techs? We're going to start to give you a
21 bonus if you flag more. If you --

22 HEARING OFFICER VALENTINE: But they don't --

23 MR. ADLONG: -- flag more work.

24 HEARING OFFICER VALENTINE: -- flag, do they?

25 MS. GUIZAR: The techs don't -- no --

1 MR. ADLONG: No, they do flag.

2 MS. GUIZAR: -- they do not. They're paid on an --

3 MR. ADLONG: They might --

4 MS. GUIZAR: -- hourly basis.

5 MR. ADLONG: -- they might be paid on an hourly basis, but
6 he testified that --

7 HEARING OFFICER VALENTINE: But see that impacts his
8 compensation, not --

9 MS. GUIZAR: Correct.

10 HEARING OFFICER VALENTINE: -- the lube tech's --

11 MS. GUIZAR: Right.

12 HEARING OFFICER VALENTINE: -- right?

13 MR. ADLONG: No, it does impact the lube tech's --

14 HEARING OFFICER VALENTINE: How?

15 MR. ADLONG: -- compensation. Because if they start to
16 pay them some sort of bonus because of the flag rate, then
17 their wages will go up. And if they stop paying those guys,
18 their wages will go down. They're connected. It needs to be
19 bargained together to see how they affect one another. That's
20 why.

21 MS. GUIZAR: There is work that is only to be performed by
22 service techs, because they have certain certifications.

23 HEARING OFFICER VALENTINE: Right.

24 MS. GUIZAR: If the Employer, if appears, is requiring
25 employees who do not have the certification, and a lesser

1 skill, to perform work that they are not certified to perform,
2 it seems to me that it's actually the Employer who is placing
3 these employees in an incorrect predicament. Because service
4 techs perform work that they are certified to perform. They
5 are paid at piece rate, and they -- and that's what the flag
6 hours are.

7 MR. ADLONG: Here's a --

8 MS. GUIZAR: Lube techs cannot perform work that they are
9 not certified to perform --

10 HEARING OFFICER VALENTINE: Are you going to --

11 MS. GUIZAR: -- and they are paid on an hourly basis.

12 HEARING OFFICER VALENTINE: -- are you going to call any
13 lube techs?

14 MR. ADLONG: Yeah, hopefully.

15 HEARING OFFICER VALENTINE: Oh.

16 MR. ADLONG: I don't know. We'll see.

17 HEARING OFFICER VALENTINE: Okay. You --

18 MR. ADLONG: I mean, you can't -- they're not --

19 HEARING OFFICER VALENTINE: -- that's what --

20 MR. ADLONG: -- employees. They're not employees, so --

21 HEARING OFFICER VALENTINE: What do you mean --

22 MR. ADLONG: -- we got to --

23 HEARING OFFICER VALENTINE: -- they're not employees?

24 MR. ADLONG: -- excuse me. They're not supervisors. I'm
25 sorry. I'm totally -- they're not supervisors, so you --

1 HEARING OFFICER VALENTINE: But you can --

2 MR. ADLONG: -- can't force them.

3 HEARING OFFICER VALENTINE: -- you can -- of course, you
4 can't force -- okay. Maybe you can't force them. You could
5 subpoena them.

6 MR. ADLONG: I'm not going to subpoena somebody who
7 doesn't want to -- like, if you go to talk to somebody, and you
8 say, hey, and you want to talk to them, and John Espalchy
9 (phonetic) --

10 HEARING OFFICER VALENTINE: Okay.

11 MR. ADLONG: -- and investigate the issue, and they're
12 like we're not interested in talking --

13 HEARING OFFICER VALENTINE: Okay.

14 MR. ADLONG: -- and we're not going to do it.

15 HEARING OFFICER VALENTINE: Can't a supervisor talk --

16 MR. ADLONG: Yeah.

17 HEARING OFFICER VALENTINE: -- about how the pay rates
18 work?

19 MR. ADLONG: Yeah.

20 HEARING OFFICER VALENTINE: I don't -- I don't think this
21 witness -- it's necessary for this witness to go through that.
22 If --

23 MR. ADLONG: No, you can't --

24 HEARING OFFICER VALENTINE: -- if -- hold on a second. If
25 a supervisor that you're going to call at a later time -- I

1 think that's more appropriate, honestly, for a supervisor to
2 talk about that interplay, rather than a rank and file
3 employee.

4 MR. ADLONG: No, no, no.

5 HEARING OFFICER VALENTINE: I --

6 MR. ADLONG: I'm not -- I'm just asking if he does flag
7 rate work --

8 HEARING OFFICER VALENTINE: -- which we've established --

9 MR. ADLONG: -- if he does work --

10 HEARING OFFICER VALENTINE: -- he does.

11 MR. ADLONG: -- if he does work, that he gets to -- if he
12 works to a lube tech, and a lube tech does work, and he gets to
13 flag that work that the --

14 HEARING OFFICER VALENTINE: And he's testified --

15 MR. ADLONG: -- lube tech does.

16 HEARING OFFICER VALENTINE: -- that he has.

17 MR. ADLONG: I know. And I'm trying to --

18 HEARING OFFICER VALENTINE: That's it.

19 MR. ADLONG: No, that's not it.

20 HEARING OFFICER VALENTINE: Well, what --

21 MR. ADLONG: Because --

22 HEARING OFFICER VALENTINE: -- what else is there?

23 MR. ADLONG: -- because you need to explore the parameters
24 on what jobs he does it on, and stuff like that. We're
25 entitled to explore the parameters. It's --

1 HEARING OFFICER VALENTINE: Hold on.

2 MR. ADLONG: -- not enough to say it happens.

3 HEARING OFFICER VALENTINE: Hold on. But wouldn't a
4 supervisor be better suited to explain, because they set those
5 parameters, to say what they are?

6 MR. ADLONG: No. Because that -- the point of the matter
7 is, is it's happening. And if it comes from him, it's going to
8 be far more credible than if it comes from a supervisor. He
9 does it. He deals with it every day. He's the guy that
10 directly benefits. And to suggest that it's okay to come from
11 a supervisor, and not to come from him, it's wrong. Because if
12 it's relevant, it's relevant. We're entitle to put --

13 MS. GUIZAR: He's assigned --

14 MR. ADLONG: -- in relevant evidence.

15 MS. GUIZAR: -- the work that he performs. He can testify
16 about work he's assigned to perform. It's not his decision,
17 and it has nothing to do with credibility as to -- he doesn't
18 decide which work he's going to assign to whom, and how it's --

19 HEARING OFFICER VALENTINE: So --

20 MS. GUIZAR: -- going to be performed.

21 HEARING OFFICER VALENTINE: -- the questions that you
22 intend to ask are what? Whether you -- if you perform X task
23 on a car that a lube tech has also worked on, do you flag for
24 that task? Is that --

25 MR. ADLONG: Yeah. I'm going to --

1 HEARING OFFICER VALENTINE: -- the type of questions?

2 MR. ADLONG: -- ask him if he flags, yeah. I mean --

3 MS. GUIZAR: So he wants -- he's going to put into the
4 record information to show that the Employer is engaging in
5 fraud. And let me --

6 HEARING OFFICER VALENTINE: Don't --

7 MS. GUIZAR: Tell -- well, let me --

8 HEARING OFFICER VALENTINE: -- please. No.

9 MS. GUIZAR: -- let me just explain.

10 HEARING OFFICER VALENTINE: No, hold on.

11 MS. GUIZAR: Wait a minute. You gave him the leeway to go
12 off on his --

13 HEARING OFFICER VALENTINE: No.

14 MS. GUIZAR: -- tangent.

15 HEARING OFFICER VALENTINE: No, no, no. But I feel --

16 MS. GUIZAR: Let me just explain.

17 HEARING OFFICER VALENTINE: -- that's sort of --

18 MS. GUIZAR: But I can just say that --

19 HEARING OFFICER VALENTINE: -- that's getting on to the --

20 MS. GUIZAR: -- service tech --

21 HEARING OFFICER VALENTINE: -- inflammatory --

22 MS. GUIZAR: -- service technicians are --

23 HEARING OFFICER VALENTINE: -- side.

24 MS. GUIZAR: -- required to perform work that they are
25 certified to perform. If you are not certified to perform that

1 job, then you cannot touch that car and perform that job, and
2 you cannot flag for it and get paid for it pursuant to the book
3 that they have that assigns the amount of hours to each piece
4 rate job. The service technician --

5 MR. ADLONG: She --

6 HEARING OFFICER VALENTINE: Are you getting to --

7 MS. GUIZAR: -- is the one that does that.

8 HEARING OFFICER VALENTINE: -- to whether their interests
9 are aligned? Is that -- and whether they're wages would have
10 to be bargained together? Is that what you're getting at?

11 MS. GUIZAR: I believe that their interests are not
12 aligned, and their wages --

13 HEARING OFFICER VALENTINE: But --

14 MS. GUIZAR: -- should not be --

15 HEARING OFFICER VALENTINE: -- hold on.

16 MS. GUIZAR: -- bargained together.

17 HEARING OFFICER VALENTINE: But if it is that -- okay.

18 MR. ADLONG: See, and we disagree. Listen, the relevancy
19 standard is -- the Hearing Officer Guide said, "Evidence is
20 relevant if it has a tendency to make more or less probable a
21 fact of importance to the issue under consideration."
22 Community of interest considers wages. Whether or not he
23 benefits from the work that another lube tech does, it makes
24 more or less probable a fact of importance to the issue under
25 consider.

1 MS. GUIZAR: Wages goes --

2 MR. ADLONG: It's that simple.

3 MS. GUIZAR: -- to the compensation and how they are paid.

4 The Employer --

5 MR. ADLONG: It goes to --

6 MS. GUIZAR: -- excuse me. The Employer decides what work
7 to assign that employee. It has nothing to do with bargaining
8 the interest between a lube tech and a service tech. It goes
9 to how the Employer compensates employees. If the Employer
10 assigns a service technician to perform work --

11 HEARING OFFICER VALENTINE: Right. They didn't --

12 MS. GUIZAR: -- that they can properly flag pursuant to
13 their book and the company's guidelines, what does that have
14 anything to do with compensation a lube tech earns.

15 HEARING OFFICER VALENTINE: -- I -- what I would -- what I
16 would like to limit it to is how that works. How he -- and I --
17 - his testimony was that if they both work on a car, it's --
18 you know, he flags it. What does he flag? Does he flag the
19 entire -- the entirety of the work? I mean, how does that
20 work? I mean, I presume --

21 MR. ADLONG: Yeah. That's what --

22 HEARING OFFICER VALENTINE: -- the Employer --

23 MR. ADLONG: -- I wanted to ask.

24 HEARING OFFICER VALENTINE: No. You were talking -- well,
25 it seemed like you were going to go down a different task.

1 A Usually in my situation, they would just mount -- start
2 mounting, and I'll do the balancing, or I'll start doing the
3 mounting and they do the balancing, or sometimes they'll do
4 both, the mount and the balance.

5 Q Do you then flag for that work?

6 A Because I'm working on the car?

7 Q And that -- excuse me. I just -- answer the question that
8 was asked of you.

9 A Yes.

10 MS. GUIZAR: Excuse me.

11 HEARING OFFICER VALENTINE: Let's --

12 MR. ADLONG: I'm entitle to that.

13 MS. GUIZAR: Well, wait.

14 HEARING OFFICER VALENTINE: -- hold on. Hold on. Let me
15 rephrase what you just said, if you don't mind. It was a --
16 when the answer -- when the question asked calls for a yes or
17 no, do your best to just give a yes or a no. And if further
18 clarification is needed, he'll ask, or, you know, on
19 cross-examination you'll have an opportunity to give it.

20 THE WITNESS: Yes.

21 Q BY MR. ADLONG: Do lube techs help with tire replacements?

22 A Yes.

23 MS. GUIZAR: Asked and answered.

24 MR. ADLONG: I just -- excuse me.

25 Q BY MR. ADLONG: Do lube techs help with tire rotations?

1 A Yes.

2 Q What do they do?

3 A They'll lift up the other tire so I don't have to lift it,
4 and we just cross-rotate it real quick.

5 Q What do you mean by cross-rotate?

6 A If I grab the front tire, they'll grab the back tire, and
7 we just -- he'll put it in the front and I'll put it on the
8 rear.

9 Q Do you flag for that work?

10 A Yes.

11 HEARING OFFICER VALENTINE: Can I ask a question? What
12 are you flagging for precisely? If you know.

13 THE WITNESS: Yeah. When I do -- the first time -- when I
14 get a car that requires a major service, and the lube techs are
15 observing me, they offer to help. Like, do you mind if I grab
16 the tire and set your wheel? So they don't just look like
17 they're standing there, because they're hourly positions. So
18 then I'll be like yeah. I mean, if you want to grab a tire you
19 can put it in the front, and I'll put it on the back. But I'll
20 flag it because it is my job that was assigned to me.

21 HEARING OFFICER VALENTINE: So that -- the task that --
22 they're helping you with the task that was assigned to you?

23 THE WITNESS: Yeah. And I flag it because I'm liable.

24 HEARING OFFICER VALENTINE: Okay. You're responsible for
25 the work?

1 THE WITNESS: Yes.

2 HEARING OFFICER VALENTINE: Okay. Thank you.

3 Q BY MR. ADLONG: How do lube techs help with shocks?

4 MS. GUIZAR: Vague and ambiguous as to help with shocks.

5 THE WITNESS: I don't really know.

6 Q BY MR. ADLONG: Do lube techs ever help you work on shocks
7 that are on a car?

8 A Not that I can recall.

9 Q What type of work would you do on the airbag recalls?

10 A Basically removing the airbag, replacing the inflator with
11 the proper -- with the new updated inflator, and reinstalling
12 the airbags.

13 Q Do lube techs help with that work?

14 A They don't help me with it.

15 Q They never helped you with it?

16 A Not that I can recall.

17 Q Did you ever work on a door handle recall?

18 A Yes.

19 Q Did a lube tech help you with that?

20 A Yes, because I was told by the shop owner.

21 Q Okay. Did you bill for work -- did flag for that work?

22 A Yes, because I performed the recall.

23 Q Now, there was a recall related to a piston, right?

24 A Uh-huh.

25 Q What was that?

1 A Removing the oil pan and inspecting the piston.

2 Q Did you ever have lube techs help you with this?

3 A Yes.

4 Q Let me ask you, like on something like this, what needed
5 to get done for the -- to complete the job?

6 A What needs to get done is removing the oil pan, inspecting
7 the borescope, submitting pictures to Phan for Honda, and
8 putting everything back together.

9 Q Would you bill -- so lube techs would help you with that
10 work, right?

11 A Yes.

12 Q Would you flag for the work that they helped you with?

13 A Yes, because I'm involved.

14 Q Now, when lube techs would help you with this work, where
15 would they help you? Like where in the shop would they work?

16 A They'll be next to me in my stall.

17 Q Next to you in your stall? So if we are looking at this
18 facility map here --

19 A Uh-huh.

20 Q -- where is your stall?

21 A If you look at the south end of the shop, I have two
22 stalls right next to the wash pit. So we're -- the first five
23 I put, there will be two stalls. Those are my designated
24 stalls.

25 Q If you're looking at that map, is that were it says, "Car

1 HEARING OFFICER VALENTINE: Well, --

2 Q BY MR. ADLONG: When you say parts --

3 HEARING OFFICER VALENTINE: -- you said parts.

4 Q BY MR. ADLONG: -- what employees are you talking about?

5 A I'm talking about the employees in the parts department.

6 Q Okay.

7 HEARING OFFICER VALENTINE: I thought you were talking
8 about the -- a location, not a --

9 THE WITNESS: Which is a certain location on -- at our
10 dealership.

11 Q BY MR. ADLONG: Okay. So how often do you come into
12 contact with employees in the parts department?

13 A Daily.

14 Q Under what circumstances?

15 A When we have to retrieve, or -- yeah, when we have to get
16 parts, pretty much, to work on the vehicle.

17 HEARING OFFICER VALENTINE: What did you say, retreat?

18 THE WITNESS: Retrieve. When we have to go grab the parts
19 to fix the vehicles.

20 HEARING OFFICER VALENTINE: Okay.

21 Q BY MR. ADLONG: How many cars do you work on each day, you
22 think?

23 A Anywhere from four to ten.

24 Q And of those four to ten, how many times do you go and get
25 parts and stuff from the employees in the parts department?

1 THE WITNESS: I don't --

2 HEARING OFFICER VALENTINE: -- unscrewing the panels?

3 THE WITNESS: -- I don't recall.

4 HEARING OFFICER VALENTINE: No, no, no. Not the day. But
5 do you know if -- well, forget it. Are you ready? Okay.

6 **DIRECT EXAMINATION CONTINUED**

7 Q BY MR. ADLONG: Do lube techs work with you, and kind of
8 like you teach them how to perform new tasks?

9 A They observe for their own knowledge, but it's not like
10 they're assigned to me.

11 Q By being close to you and observing, are they learning to
12 do --

13 A I don't know if they're learning, because they're -- I
14 mean, I don't know what they're learning, but I allow them to
15 observe me because they have down time.

16 Q Why would you -- for what purpose would they observe you?

17 A Usually they'll observe me because they're bored.

18 Q And how does observing you break the boredom?

19 MS. GUIZAR: Calls for speculation. Lacks foundation.

20 HEARING OFFICER VALENTINE: I don't -- yeah, I don't think
21 there's foundation for that. I think if we have a lube tech
22 testify at some point, maybe we can ask them about their
23 boredom.

24 MR. ADLONG: Fair enough.

25 Q BY MR. ADLONG: So taking us back to when you get a new

1 ticket from a service advisor, am I right that like one of the
2 first tasks you do is to review the car and see if there's
3 other work that needs to be performed?

4 MS. GUIZAR: Objection. Leading. It's not
5 cross-examination.

6 MR. ADLONG: I'm just trying to lay a quick foundation.

7 MS. GUIZAR: I don't think that's laying foundation. And
8 it assumes facts not in evidence.

9 HEARING OFFICER VALENTINE: There was some testimony
10 about --

11 MR. ADLONG: Okay, I can just start over.

12 HEARING OFFICER VALENTINE: -- yeah.

13 MR. ADLONG: I'll start over.

14 HEARING OFFICER VALENTINE: There was some --

15 MR. ADLONG: That's fine. No problem.

16 HEARING OFFICER VALENTINE: Yeah. Just a little bit. It
17 is a little leading, or ask --

18 Q BY MR. ADLONG: What is the first thing --

19 HEARING OFFICER VALENTINE: -- him what he does.

20 Q BY MR. ADLONG: -- you do when you get a new car assigned
21 to you to perform work?

22 A I read over the lines, and grab the car, and start working
23 on it.

24 HEARING OFFICER VALENTINE: What do you mean by lines?

25 THE WITNESS: Each job we call a line. So, for example,

1 the car comes in with customer states engine overheating.
2 Please check and advise. Customer states -- and then line B
3 will be customer states brakes are making noise. Please check
4 and advise. And then line C will probably be something
5 different. Check brake lights, inop (sic).

6 HEARING OFFICER VALENTINE: Okay. Thank you.

7 Q BY MR. ADLONG: Do you -- what, if anything, do you do to
8 review the car to see if there are other services that can be
9 provided?

10 A What do I do?

11 Q Yeah.

12 A Well, Honda has different manufacturers' preliminary
13 dates. For example, if the car needs a spark plug and a valve
14 adjustment, there's a service code for that. Or we usually get
15 seven years, 105,000, I believe. If the car comes in with
16 that, and there's no history of it ever being serviced at our
17 dealership, then we will suggest that service and tell the
18 writer let the customer know that based on time and their
19 owner's manual, this is required. If they haven't done it,
20 would they like to get it done today?

21 Q You said tell the writer?

22 A Yes.

23 Q Who's the writer?

24 A Our service advisors.

25 HEARING OFFICER VALENTINE: I think you've used that word

1 a couple of times. So service --

2 THE WITNESS: Yeah.

3 HEARING OFFICER VALENTINE: -- service advisor, you mean
4 the --

5 THE WITNESS: Writers.

6 HEARING OFFICER VALENTINE: -- writer.

7 THE WITNESS: Yeah.

8 HEARING OFFICER VALENTINE: Writer, those are
9 interchangeable?

10 THE WITNESS: Yeah.

11 HEARING OFFICER VALENTINE: Because they write the --

12 THE WITNESS: Service. They write up the cars, the
13 vehicles. Like the complaint. Line A, line B, line C.

14 HEARING OFFICER VALENTINE: Okay.

15 THE WITNESS: And that's all they do.

16 HEARING OFFICER VALENTINE: Do they put it in -- what is
17 in, VINS, or VIMS of the car?

18 THE WITNESS: No.

19 HEARING OFFICER VALENTINE: VIS?

20 THE WITNESS: They'll just, like the five or ten percent
21 that we see on this, they just walk by and said, take it to
22 wash, or just do the additional repairs.

23 HEARING OFFICER VALENTINE: Wait. But when you get the --
24 I'm sorry, it's a little bit --

25 MR. ADLONG: No, I got confused.

1 HEARING OFFICER VALENTINE: -- but, well the lines.

2 MR. ADLONG: Yeah. I get that.

3 HEARING OFFICER VALENTINE: So it is on a piece of paper?

4 THE WITNESS: They'll just write it on the RO. Like --

5 HEARING OFFICER VALENTINE: And what's the --

6 THE WITNESS: -- they'll do add-on.

7 HEARING OFFICER VALENTINE: -- RO again?

8 THE WITNESS: The RO is the repair order.

9 HEARING OFFICER VALENTINE: And is the repair order in the
10 computer?

11 THE WITNESS: The repair order is in the computer, and
12 there's also a hard copy.

13 HEARING OFFICER VALENTINE: So does your supervisor
14 physically hand you the paper copy?

15 THE WITNESS: Usually they'll tell -- like, if I'm not
16 around they'll tell Daniel, like, hey can you give it to him
17 and have him finish the work that we approved? Or they'll just
18 walk by and just leave it in my toolbox. And you'll see like
19 the line written like, go ahead. Like okay. Valve adjustment,
20 okay. Water pump.

21 HEARING OFFICER VALENTINE: And this is a piece of paper?

22 THE WITNESS: Which is -- yeah, the hard copy RO.

23 HEARING OFFICER VALENTINE: Okay. Thanks.

24 Q BY MR. ADLONG: Now you were just talking about a spark
25 plug and a valve adjustment.

1 A Uh-huh.

2 Q Was -- that's not like the only thing you talked to him
3 about, right?

4 A What do you mean?

5 Q Like in the sense that you notice other areas where the
6 car can receive service, and --

7 A Yes.

8 Q -- tell them?

9 A Yes.

10 Q Okay. How often does something like that happen? Like,
11 on what percentage of cars are you saying hey, let's offer them
12 this new service?

13 A I do it basically on whatever the owner manual say (sic).
14 So for example, brake flush is every three years. Coolant
15 service is -- according to Honda's bottle it's years, 60,000
16 miles. Power steering flush are usually kind of up in the air.
17 I like to recommend them every three years or 45,000. Usually
18 they're already sold on the dry. Like the advisors will
19 overlook and be like -- they'll be already written on a ticket
20 to do.

21 Q Okay. So beyond -- so are you -- am I to understand that
22 the services that you recommend are based solely on what's in
23 this manual?

24 A Based on what's in the manual and experience. Like --

25 Q Your experience?

1 A -- if you look -- yes. Like if you see a fluid that's
2 dirty, I usually will like to shine my light through it and it
3 should -- if the fluid is clean, you should see through the
4 whole reservoir. If the fluid is dirty, the light wouldn't
5 really shine through the reservoir. And I usually suck a
6 little bit out with my Vacula to look at it and see how
7 contaminated, or open up the -- like the cap of the brake fluid
8 to see if there's any contamination, if there's any dirt or
9 debris, or if it doesn't look like the same color as brand new
10 brake fluid.

11 Q Okay. So this takes me back to -- the question, I think,
12 is on how many cars are you recommending for this service?

13 A I recommend just based -- there's no exact number.

14 Q Okay.

15 A I just recommend --

16 Q Can you give us like an estimate? Like what percentage of
17 cars?

18 A I can't give you a percentage. I just -- it depends on
19 the car. It really depends. I mean, I try to recommend things
20 that are needed. And I usually try to label them from severe
21 to minor, but that's pretty much it.

22 Q Okay. So talking your attention back to this facility
23 map, how do you exit the service department to get to the
24 parts?

25 A Do you want me to mark it, or just tell you?

1 right there.

2 MS. GUIZAR: Thank you.

3 HEARING OFFICER VALENTINE: Uh-huh.

4 Q BY MR. ADLONG: How long does it take to get in and out of
5 the --

6 A To retrieve our parts?

7 Q -- yeah.

8 A Anywhere from ten to 15 minutes.

9 Q The walk, does it -- okay.

10 A That's including -- well, the walk is like two minutes,
11 three minutes. Like two minutes max. But, usually there's a
12 wait.

13 Q When you -- why are you waiting?

14 A Because either they're overcrowded, or there's hardly any
15 parts department people. They're busy. They're in the back,
16 or someone's on lunch so they're shorthanded. So therefore, we
17 just have to wait until they're done. And it could take up to
18 about, anywhere from -- the longest I've waited was about 15,
19 20 minutes.

20 Q Okay. What safety training does -- what safety training
21 do you have to go through?

22 A Just the basic -- there's a -- Sonic has a standard -- I'm
23 not sure how to get there 100 percent, because I haven't done
24 there in a long time. But there's -- on their computers, you
25 can log in and there's like three or four training tests we

1 have to do. Like HR, this, and like different things. Like
2 harassment, how to properly use a lift, stuff of that sort.

3 Q What happens when there's too many quick service jobs for
4 the lube techs to finish?

5 A Our manager, Phan, or Dan Godoy will go around the shop
6 and ask if we can help out.

7 MR. ADLONG: Let me go off the record and see if I have
8 any more questions.

9 HEARING OFFICER VALENTINE: Okay. How long do you need?

10 MR. ADLONG: Two or three minutes. I'm just going through
11 my documents real fast.

12 HEARING OFFICER VALENTINE: Okay.

13 (Off the record at 4:33 p.m.)

14 HEARING OFFICER VALENTINE: All right. This is yours.

15 THE WITNESS: Thank you.

16 HEARING OFFICER VALENTINE: Well, sort of. So we're going
17 to go make copies of it, and this other thing. So Mr. Adlong,
18 you have like a minute. Let's -- do you have more questions,
19 or are you still --

20 MR. ADLONG: Yeah, I do.

21 HEARING OFFICER VALENTINE: -- okay. Are you ready to go?

22 MR. ADLONG: If you want to go make a copy, that's fine.

23 HEARING OFFICER VALENTINE: No, no. Go ahead. Go ahead.

24 **DIRECT EXAMINATION CONTINUED**

25 Q BY MR. ADLONG: So we were talking earlier about when the

1 lube techs would help you work. And one of the things you
2 said, they would help you with tire replacements?

3 A Uh-huh.

4 Q When they would do that work, where was that work
5 performed?

6 A Would you like to show me -- show you on the map?

7 Q Or yeah. You can tell me, and if I -- we need to know.

8 A If you look on the map where the highlighted area is at,
9 go to the first box to the left. I believe that's like a
10 storage area where we have books. Like shop books. And here
11 to the left is where the tire machine is that. So it's like a
12 back area.

13 Q Okay. And when they're doing that, whose tools were they
14 working with?

15 A Mine.

16 Q Yours, okay. Now, when they were working with the tire --
17 doing the tire rotations, and helping you with that, whose
18 tools would they use?

19 A Mine.

20 Q Okay. And when they were helping you with the door handle
21 recall, whose tools would they use?

22 A Mine.

23 Q And when they would help with the -- can you tell me what
24 the piston -- the proper term for the piston recall is called?

25 Is it piston ring?

1 A Piston -- no, don't quote me 100 percent, but it's
2 somewhere piston snap ring inspection.

3 Q Okay. When they were helping with the piston snap ring
4 inspection, whose tools would they use?

5 A Mine.

6 Q Now, do you use ten millimeter wrenches?

7 A Yeah.

8 Q How about 12 millimeter wrenches?

9 A Yeah.

10 Q How about 14?

11 A Yeah.

12 Q Seventeen?

13 A Yes.

14 Q Nineteen?

15 A Yes.

16 Q And 21?

17 A Yes.

18 Q Do you use impact guns?

19 A Yes.

20 Q Do you use impact socket wrenches?

21 A Impact socket wrenches? Define -- what's an impact socket
22 wrench?

23 Q Well, you probably know better than me. What I
24 understand, they're used to -- I want to say they're used to
25 rotate tires, but I think I'm wrong.

- 1 A Oh, impact sockets?
- 2 Q Yeah.
- 3 A Yes, we have to use it with our -- we have to use a proper
- 4 socket to a proper vent.
- 5 Q Okay. Pliers?
- 6 A Yes.
- 7 Q Okay. Oil filter -- do you use oil filter wrenches?
- 8 A Yes.
- 9 Q Screwdrivers?
- 10 A Yes.
- 11 Q How about torque wrenches?
- 12 A Yes.
- 13 Q Hand ratchets?
- 14 A Yes.
- 15 Q Air blow guns?
- 16 MS. GUIZAR: I'm sorry, I can't hear you. Can you speak
- 17 up?
- 18 Q BY MR. ADLONG: Air blow guns.
- 19 A Yes.
- 20 Q Okay. Do you use tire repair kits and patches?
- 21 A We don't have proper -- we don't have a tire repair kit.
- 22 Q Okay. When you say we, we're talking --
- 23 A As the shop in general.
- 24 Q -- as the shop.
- 25 A There is no shop tire repair kit. I don't -- I mean, I

1 don't really have a tire repair kit, because every shop I
2 worked at had their own. So we just use a small little grinder
3 and a drill. That's what we're told to use.

4 Q And what would you use that for?

5 A Well, the grinder you use to sand down the rubber to try
6 to make it a little bit smoother. And the drill is because you
7 have to open up the nail -- where the nail entered, you have to
8 open it up a little bit so you can put the plug in there.

9 Q And that, I assume, is to patch a -- not to --

10 A To patch a nail that's in the tire that's fixable.

11 Q Okay. And that's work -- do you do that work?

12 A Yes.

13 Q Do lube techs do that work?

14 A Yes.

15 Q Now, you talked about Daniel Godoy --

16 A Uh-huh.

17 Q -- dispatching work. He just -- does he dispatch it to
18 the service techs?

19 A Yes.

20 Q Does he do it the lube techs?

21 A I don't really ever see him, because I don't pay attention
22 if he goes and dispatches it to them. But all I can say is he
23 dispatches it to the service techs.

24 Q All right. But you testified earlier that he told service
25 lube techs to help you, is that right?

1 A Yeah. For example, if I'm slammed on a Saturday, and we
2 have a recall that's a waiter, and it has to get done like
3 within the next hour --

4 Q Can I just ask you, what's a waiter?

5 A A waiter is a car -- a customer that's waiting in the
6 lounge.

7 Q Okay.

8 A And what -- or we try to do is expedite those cars so they
9 don't have to wait so long. He will go and tell me, well, I
10 have this recall. And I say, well, I'm backed up. He's all --
11 he'll be like, I need it done within an hour. And I say, well
12 I'm backed up. He'll go, okay, I'm going to have -- since it's
13 very simple, I'm going to have him take off the door panels,
14 and then you can do the recall and button it up. Is that okay?
15 And I go, yeah, that's fine.

16 Q And then for something like that, would you flag for that?

17 A Yes, because I'm performing the recall.

18 MR. ADLONG: I don't think I have any further questions
19 for now.

20 HEARING OFFICER VALENTINE: Okay.

21 MS. GUIZAR: I'm going to not have questions on cross, and
22 reserve my right to recall Mr. Colon in the Union's case in
23 chief after the Employer has completed putting on its
24 witnesses.

25 HEARING OFFICER VALENTINE: Okay. I --

1 HEARING OFFICER VALENTINE: Fuel?

2 THE WITNESS: Fuel, yeah. Fuel and emissions. F-U-E-L.

3 HEARING OFFICER VALENTINE: Okay.

4 THE WITNESS: And then "and", and then emissions.

5 HEARING OFFICER VALENTINE: Okay. And the diagnosis -- so
6 are these courses that you took?

7 THE WITNESS: These are courses that are online --

8 HEARING OFFICER VALENTINE: Uh-huh.

9 THE WITNESS: -- that we have to do self-studies first.
10 And then from those self-studies, we have to do classroom
11 study --

12 HEARING OFFICER VALENTINE: Uh-huh.

13 THE WITNESS: -- which, we either go to the Honda Training
14 Center, or for me, in my instance, I was part of the Pact
15 program, so I did it at this college.

16 HEARING OFFICER VALENTINE: Oh, okay. And so you
17 described the uniform that you wear at work. Do other
18 employees wear the same uniform --

19 THE WITNESS: Yes.

20 HEARING OFFICER VALENTINE: -- as far as you know? Who
21 else wears the same uniform?

22 THE WITNESS: The lube techs.

23 HEARING OFFICER VALENTINE: Lube techs? It's identical,
24 as far as you know?

25 THE WITNESS: Yes. It's a standard industry uniform that

1 all Honda dealership uses.

2 HEARING OFFICER VALENTINE: So I go to any Honda
3 dealership; it's the same one?

4 THE WITNESS: Pretty much 90 percent of them, yeah.
5 They'll use it.

6 HEARING OFFICER VALENTINE: Do you get paid more based on
7 your productivity? Well, aside from your flagged --

8 THE WITNESS: Do I get like a bonus, or --

9 HEARING OFFICER VALENTINE: Uh-huh.

10 THE WITNESS: -- spiff, no.

11 HEARING OFFICER VALENTINE: Okay. Or a what, spiff?

12 THE WITNESS: Like spiff. Like extra money. Kind of like
13 a bonus. That's what they call it in the industry.

14 HEARING OFFICER VALENTINE: What's a spiff?

15 THE WITNESS: A bonus.

16 HEARING OFFICER VALENTINE: Okay. Do you ever get those?

17 THE WITNESS: No.

18 HEARING OFFICER VALENTINE: Do you know of anyone at your
19 workplace who does?

20 THE WITNESS: The service advisors.

21 HEARING OFFICER VALENTINE: They get spiffs?

22 THE WITNESS: Spiffs, and they also get bonuses based on
23 their performance.

24 HEARING OFFICER VALENTINE: So just -- no, that's fine.
25 Let's see. Do you know who supervisors the lube techs?

1 THE WITNESS: Yes. There is a lead lube technician --
2 lube tech. His name is Isaac. And then it goes to Daniel and
3 Phan.

4 HEARING OFFICER VALENTINE: And do you know what kind of
5 training the lube techs -- if you know. I don't know --

6 THE WITNESS: They have very little to no training. It's
7 an entry level position.

8 HEARING OFFICER VALENTINE: That's not encouraging.

9 THE WITNESS: Yeah.

10 HEARING OFFICER VALENTINE: Do they learn on the -- I
11 mean, do you know if they learn on the job? I mean, how do
12 they learn?

13 THE WITNESS: Some have gone to like -- I'm not sure if
14 they've gone to any like, you know, basic training from
15 colleges, but I don't think any of them have any Pact -- one
16 might. Other than that, nobody has any real formal training.
17 They just -- I mean, they're just hired from kind of like off
18 the street, and then whatever basic knowledge they have.

19 HEARING OFFICER VALENTINE: Are they -- I don't know if
20 this is relevant or not. Are -- is anybody ASE certified, or
21 is that something that doesn't happen at Honda?

22 THE WITNESS: Honda, they don't really promote that
23 because mostly your certificate is through Honda. But no lube
24 techs are ASE. The only certificate they have is like Express
25 and PDI.

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 21

In the Matter of:

Sonic-Buena Park H, Inc.

Case No. 21-RC-178527

d/b/a Buena Park Honda,

Employer,

and

International Association of
Machinists and Aerospace
Workers, District Lodge No.
190, Local Lodge 1484,
AFL-CIO,

Petitioner.

Place: Los Angeles, California

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

In the Matter of:

SONIC-BUENA PARK H, INC.
d/b/a BUENA PARK HONDA,

Employer,

and

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, DISTRICT LODGE NO.
190, LOCAL LODGE 1484,
AFL-CIO,

Petitioner.

Case No. 21-RC-178527

The above-entitled matter came on for hearing, pursuant to notice, before **CECELIA F. VALENTINE**, Hearing Officer, at the National Labor Relations Board, Region 21, 888 South Figueroa Street, Los Angeles, California 90017, on **Wednesday, June 29, 2016, at 9:17 a.m.**

1 THE WITNESS: Which is like the -- their rule book.

2 HEARING OFFICER VALENTINE: Okay. Is that what the
3 handbook is called?

4 THE WITNESS: No. The handbook is called, The Handbook --
5 The Associate Handbook.

6 HEARING OFFICER VALENTINE: And then policies and
7 procedures are a separate thing?

8 THE WITNESS: It's part of the handbook.

9 HEARING OFFICER VALENTINE: Okay.

10 Q BY MR. ADLONG: When employees start at Buena Park Honda,
11 do they undergo like DMV or MVR checks?

12 A Yes, they do.

13 Q Do service techs?

14 A Yes, they do.

15 Q Do lube techs?

16 A Yes, they do.

17 Q Parts employees?

18 A Yes.

19 Q Service advisors?

20 A Yes.

21 HEARING OFFICER VALENTINE: Just to be clear -- I'm sorry
22 -- it was the DMV checks, and what was the other check?

23 MR. ADLONG: DMV, MVR.

24 THE WITNESS: Motor --

25 MR. ADLONG: MVR.

1 HEARING OFFICER VALENTINE: -- MVR. What does that stand
2 for?

3 MR. ADLONG: Motor Vehicle Record.

4 HEARING OFFICER VALENTINE: Is that like your driving
5 record?

6 THE WITNESS: Driving record.

7 HEARING OFFICER VALENTINE: Okay. Even for people who
8 don't drive?

9 THE WITNESS: All. All associates.

10 HEARING OFFICER VALENTINE: Okay.

11 Q BY MR. ADLONG: Where does Buena Park Honda advertise for
12 opening technician positions?

13 A Career Builders.

14 Q Okay.

15 A And on the Sonic Automotive website.

16 Q Where does Buena Park Honda advertise for open lube tech
17 positions?

18 A Career Builders and the Sonic Automotive website.

19 Q And where does it apply -- where does it advertise for
20 open parts employee positions?

21 A The same. Career Builders and the Sonic Automotive
22 website.

23 Q And where does Buena Park Honda advertise for open service
24 advisor positions?

25 A Career Builders and the Sonic Automotive website.

1 Q When filling out an application for a position, how do the
2 applications differ between the technician applications and the
3 lube tech applications?

4 A There is no different.

5 Q How do the position -- how do the applications differ
6 between the service technicians and the parts employee
7 applications?

8 A There is no difference.

9 Q And how do the applications differ between the service
10 technicians and the service advisors?

11 A There is no difference.

12 Q Do we drug test service techs?

13 A Yes.

14 Q Do we drug test lube techs?

15 A Yes.

16 Q Do we drug test parts employees?

17 MS. GUIZAR: Who's we? Objection. Vague and ambiguous as
18 to we.

19 Q BY MR. ADLONG: Does Sonic drug test service technicians?

20 A Yes.

21 Q Does Sonic drug test lube technicians?

22 A Yes.

23 Q Does Sonic drug test parts employees?

24 A Yes.

25 Q Does Sonic drug test service advisors?

1 A Yes.

2 Q Do lube technicians undergo -- excuse me -- do service
3 technicians undergo orientation when they start working for
4 Buena Park Honda?

5 A Yes, they do.

6 Q Okay. Can you describe what that orientation is supposed
7 to be, please?

8 A It's an orientation usually a month after they start. It
9 consists of going over the handbook rules, going over all of
10 the benefits, answering any questions they may have about
11 processes, or procedures, making sure they have all of the
12 information needed, how to complete their Sonic University
13 training. It's a one-day orientation.

14 Q Okay. What type of orientation do lube techs go through?

15 A The same.

16 Q Okay. And how about parts employees?

17 A The same.

18 Q And how about service advisors?

19 A The same.

20 HEARING OFFICER VALENTINE: Did you talk about the Sonic
21 University training yet?

22 MR. ADLONG: What did you say?

23 HEARING OFFICER VALENTINE: Did she talk about the Sonic
24 University training? What that is?

25 MR. ADLONG: I don't know. We'll ask --

1 MS. GUIZAR: Yeah.

2 MR. ADLONG: -- what we're willing --

3 MS. GUIZAR: That's fine.

4 MR. ADLONG: -- to stipulate to.

5 MS. GUIZAR: You know --

6 MR. ADLONG: Wait, can --

7 MS. GUIZAR: -- you --

8 MR. ADLONG: -- wait, let's --

9 HEARING OFFICER VALENTINE: So to employees --

10 MR. ADLONG: -- do this.

11 HEARING OFFICER VALENTINE: Hold on.

12 MS. GUIZAR: Yes.

13 HEARING OFFICER VALENTINE: To employees, including the
14 service technicians, lube technicians, parts, service advisors.
15 And are we not talking about counter persons, shipping,
16 receiving?

17 MR. ADLONG: Parts employees or counter persons should be
18 in receiving, and our parts guy will clear that up.

19 HEARING OFFICER VALENTINE: Okay. Okay, so now it's
20 muddled up again. Sorry. So the benefits described, including
21 those listed off by you, are available to employees,
22 including --

23 MS. GUIZAR: Yes.

24 HEARING OFFICER VALENTINE: -- service advisors -- excuse
25 me. Let's -- service technicians, lube technicians, parts,

1 service advisors. That covers everyone?

2 MR. ADLONG: Service techs, lube techs, parts, service
3 advisors. That includes everyone.

4 HEARING OFFICER VALENTINE: Okay. So is that --

5 MS. GUIZAR: Yes.

6 HEARING OFFICER VALENTINE: -- stipulated?

7 MS. GUIZAR: So stipulated.

8 MR. ADLONG: We'll stipulate to that.

9 HEARING OFFICER VALENTINE: Okay. That stipulation is
10 received. So move on to something else.

11 Q BY MR. ADLONG: Now, you heard the testimony -- okay. Do
12 service techs wear uniforms?

13 A Yes.

14 Q Do lube techs wear uniforms?

15 A Yes.

16 Q Do parts employees wear uniforms?

17 A Yes.

18 Q And do service advisors wear uniforms?

19 A Yes.

20 Q Okay. Who pays for those uniforms?

21 A Buena Park Honda.

22 Q Okay. Is there an employee handbook --

23 A Yes.

24 Q -- that applies for Buena Park -- for Buena Park Honda?

25 A Yes.

1 Q Okay. And does that employee handbook apply to the
2 service technicians?

3 A Yes.

4 Q The lube technicians?

5 A Yes.

6 Q Service advisors?

7 A Yes.

8 Q Parts employees?

9 A Yes.

10 Q Okay. How do the technicians clock in?

11 A On ADP.

12 Q Okay.

13 A ADP on any computer.

14 Q And how do the lube techs check -- clock in?

15 A The same way.

16 Q Okay. How about the service advisors?

17 A The same way.

18 Q And how about the parts employees?

19 A The same way.

20 Q On what days are technicians paid?

21 A 15th and last day of the month.

22 Q And what day are lube techs paid?

23 A 15th and last day of the month.

24 Q On what day are service advisors paid?

25 A The 15th and last day of the month.

1 A All service technicians are paid hourly. A \$20 hourly
2 rate, which is double the minimum wage. So for every hour
3 they're clocked in and out, they're paid \$20 an hour, which
4 reflects on their paycheck. And then they're paid a flat rate
5 for every flag hour that they're flagging. So -- depending on
6 what job they do. So, at the end of the pay period, on the
7 paycheck it shows the hours that they've clocked in and out,
8 times \$20 an hour, overtime hours times the \$30 an hour, and
9 then the flag hours are calculated times their flat rate. So
10 120 -- whatever they flag times their flat rate, minus the
11 hours that they've clocked in and out and been paid for, and
12 then it shows up as a productivity -- a technician productivity
13 on the paycheck. The difference between what they've clocked
14 in and out. So downtime, just standing around, they get paid
15 \$20 an hour, minus their flat rate. The difference is a tech
16 productivity.

17 Q Okay. And it's paid as a tech productivity --

18 A Yes.

19 Q -- bonus? Okay.

20 HEARING OFFICER VALENTINE: I want to make sure I
21 understand, because I -- the notes I took down, I must have
22 misunderstood. The flag hours are calculated at the flat or
23 flag rate?

24 THE WITNESS: The flag rate of whatever --

25 HEARING OFFICER VALENTINE: Flag rate.

1 done and then I go in and execute the forms, let the manager
2 know that they've been completed and then they start. Usually
3 it's on their -- either on or before their hiring date.

4 Q And just so that I understand the process, it's all done
5 online; is that right?

6 A There's a -- there is a paper application because the
7 State of California does require some documents be hand signed
8 and then there's the electronic portion as well, so.

9 Q Okay. So then the electronic portion is that what you
10 receive the notification that it's been completed?

11 A Yes, yes.

12 Q And who does the prospective applicant or employee submit
13 the handwritten documents to?

14 A The hiring manager and then they overnight the documents
15 to our office.

16 MR. ADLONG: Can I just object to this whole line of
17 questioning? Like, I don't know how it really goes to the
18 community of interest. We just --

19 HEARING OFFICER VALENTINE: I think she's entitled to
20 probe into the application process. I mean unless there's a
21 stipulation about it being the same or not the same. Unless
22 you have a stipulation I don't think it's --

23 MR. ADLONG: I'm willing to stipulate that the --

24 HEARING OFFICER VALENTINE: -- I don't think it's
25 irrelevant.

1 MR. ADLONG: I'm willing to stipulate that the hiring
2 process is the same for the service technicians, the lube
3 technicians, the parts employees, and the service advisors.

4 HEARING OFFICER VALENTINE: I mean I don't know if that's
5 -- if you're willing or able to enter into that or if you're
6 actually getting at something else. I'm just guessing.

7 MS. GUIZAR: I think -- I believe she's answered the
8 questions and --

9 HEARING OFFICER VALENTINE: You're done?

10 MS. GUIZAR: I believe the witness has answered the
11 questions about the hiring process and how it applies. I don't
12 have too much more.

13 HEARING OFFICER VALENTINE: Okay.

14 Q BY MS. GUIZAR: Is this the hiring process that we just
15 went through, the application process online, does this apply
16 through all associates through all of Sonic Automotive?

17 A Yes.

18 Q And just so that I understand, Sonic Automotive is a
19 nationwide company?

20 A Yes. We own 100 and -- a little over 100 dealerships.

21 Q Do you participate in the orientation for new hires?

22 A No.

23 Q Who conducts the orientation?

24 A For our region here in Southern California it is Ashley
25 Irving is her name.

1 Q And who does Ashley Irving work for?

2 A Sonic Automotive.

3 Q And the orientation that you described, is that
4 orientation that takes place for all new hires?

5 A All new hires.

6 Q And is that all new hires throughout Sonic Automotive
7 nationwide?

8 MR. ADLONG: Objection. Lacks foundation. She hasn't
9 established that she knows what goes on nationwide.

10 HEARING OFFICER VALENTINE: I'm going to --

11 MR. ADLONG: She said she's in charge of the southern
12 region.

13 HEARING OFFICER VALENTINE: -- I'm going -- I'll grant the
14 objection, also the relevance of anything beyond this region.

15 MR. ADLONG: I mean they --

16 HEARING OFFICER VALENTINE: Just --

17 MR. ADLONG: We're willing to stipulate that everybody
18 goes through the same orientation --

19 MS. GUIZAR: I can ask another question.

20 MR. ADLONG: -- in the southern region.

21 HEARING OFFICER VALENTINE: That's fine, let's just move
22 on.

23 Q BY MS. GUIZAR: Is this the same -- do all employees in
24 the region that you're responsible for attend the new hire
25 orientation?

1 A Yes.

2 Q You testified about policies and procedures, an employee
3 handbook. Do you recall that testimony?

4 A Yes.

5 Q Is that the associate handbook, is that one handbook that
6 applies throughout the entire region for Sonic Automotive?

7 A For California.

8 Q And is that handbook given to employees at the orientation
9 day?

10 A Yes.

11 Q The benefits that you testified to earlier --

12 A Uh-huh, yes.

13 Q Are those benefits available to all employees in the
14 entire region that you're responsible for, for Sonic
15 Automotive?

16 A Yes.

17 Q And that's all 4,000 to 4,500 employees; correct?

18 A Nevada and Colorado would have a different -- California
19 has its own, yes.

20 Q How many employees do you know are in California; do you
21 know?

22 A I can't -- I don't know.

23 Q Okay. You testified earlier about the Sonic University
24 online courses?

25 A Yes.

1 A Yes.

2 Q Do you supervise any employees?

3 A No.

4 Q Are you required to attend factory sponsored training
5 classes?

6 A I was sent, yeah.

7 Q What were you sent to?

8 A To Torrance, the training center.

9 Q And what training did you receive at Torrance?

10 A They had me finish up my transmission modules.

11 Q Are you responsible for ensuring and following federal,
12 state and local regulation concerning the disposal of hazardous
13 waste?

14 A Yes.

15 Q And are you required to follow all company safety policies
16 and procedures?

17 A Yes.

18 Q What types of repairs do you perform as a technician?

19 A Everything. It ranges --

20 Q Why don't you do this. Why don't you tell me what types
21 of repairs you perform that only service technicians can
22 perform.

23 A All of the re-rings -- re-ringings of the engine, the V6
24 and the four cylinder, replacing the engine, replacing the
25 torque converter, timing belt, resealing the oil pump and the

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 21

In the Matter of:

Sonic-Buena Park H, Inc.
d/b/a Buena Park Honda,

Case No. 21-RC-178527

Employer,

and

International Association of
Machinists and Aerospace
Workers, District Lodge No.
190, Local Lodge 1484,
AFL-CIO,

Petitioner.

Place: Los Angeles, California

Dates: June 30, 2016

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

In the Matter of:

SONIC-BUENA PARK H, INC.
d/b/a BUENA PARK HONDA,

Employer,

and

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, DISTRICT LODGE NO.
190, LOCAL LODGE 1484,
AFL-CIO,

Petitioner.

Case No. 21-RC-178527

The above-entitled matter came on for hearing, pursuant to notice, before **CECELIA F. VALENTINE**, Hearing Officer, at the National Labor Relations Board, Region 21, 888 South Figueroa Street, Los Angeles, California 90017, on **Thursday, June 30, 2016, at 9:06 a.m.**

1 MR. ADLONG: I'm just -- I --

2 HEARING OFFICER VALENTINE: Please continue.

3 MR. ADLONG: I'm not trying to be disrespectful. I'm just
4 asking it'll be more efficient that way I think. Not that I
5 disrespect what you're saying.

6 HEARING OFFICER VALENTINE: It's fine. Go ahead.

7 Q BY MR. ADLONG: Can you tell us how the shuttle driver
8 interacts with the porter?

9 A The shuttle drivers would actually interact with the
10 porters you mean? Okay. They would also communicate with each
11 other because when a shuttle -- when you have -- the shuttle
12 person does not have any shuttle work to do, they would work as
13 porter duties and yeah, help out with porters. So they would
14 interact with each other.

15 MS. GUIZAR: I'm sorry. Can we please have you please
16 speak up. I know it's been many -- I can't -- I'm having a
17 hard time hearing you.

18 THE WITNESS: Okay. No problem.

19 MS. GUIZAR: Thank you.

20 THE WITNESS: Once again, these shuttle drivers would
21 actually work together with the porters because they're in the
22 same platform. They work in the same general area. When the
23 shuttle drivers are not picking up or dropping off guests, they
24 would actually interact and help the porters with their also
25 other duties that they do. And they also in turn would

1 communicate with each other, too, about shuttle pickup and
2 shuttle drop off also, too. They all interact with each other.
3 Talking to each other about that.

4 Q BY MR. ADLONG: Now, what are the job duties of a porter?

5 A The job duties of a porter is they would meet and greet
6 the guests when they -- upon arrival. So they would check them
7 in and see if they are non-appointment or an appointment. Then
8 they would also advise the advisors that they have a guest
9 waiting in the service drive. They also would pick up -- they
10 would pull cars to the back and pull cars for customers when
11 they're picking up. Those are their major duties.

12 They also would clean -- they have general duties on a
13 daily basis where they have to pick up oil filters and do house
14 chores and cleaning chores also, too.

15 Q How do porters interact with parts?

16 A Porters would assist with getting parts for them. They
17 also would assist with putting parts away. Let's say, for
18 example, they have brake rotors out in the shop. Sometimes
19 they would assist with picking the rotors up and returning the
20 parts. This would become the job duties that they would do.

21 Q And if they picked up the rotors, where are they picking
22 up rotors from?

23 A In the shop.

24 Q Okay.

25 A Yeah.

1 Q And who would have rotors in the shop?

2 A Service technicians for work that they do.

3 Q Are shuttle drivers -- how are -- at what time of day do
4 shuttle drivers start to work?

5 A They would start at 8.

6 Q And then about what time of day do they end?

7 A They would generally end at 5 depending on the situation.
8 Sometimes they would get extended, but that's the time that
9 they would end their shift.

10 Q How do they clock in?

11 A They go to the terminal, CDK or not the -- we call it ADP
12 and they use a function called TCE to clock in and they can
13 clock in at any multiple terminals in the dealership.

14 Q And how are they compensated?

15 A Hourly.

16 Q Do you know their general wage range?

17 A Anywhere from 11 to \$13 or \$14 I think.

18 Q And when they clock out, where do they clock out?

19 A At any terminal in the dealership they can clock out also,
20 too.

21 Q Now, with respect to the porters, where do they clock in?

22 A They will clock in at any terminal at the dealership.
23 Choose whatever they try to choose.

24 Q And about what time of day do they start?

25 A We have set schedules for porters. We have one, they come

1 in at 6:30 and then we have -- and then it breaks throughout
2 the whole day. From 6:30 to 7, 8, 9, and up until 10:00.

3 Q Now, how many porters does Buena Park Honda employ that
4 are direct employees of Buena Park Honda?

5 A Two.

6 Q Okay. So when I ask questions about porters, I just want
7 us to answer questions with respect to those individuals.

8 A Those two.

9 Q What time do they -- what time do our porters start?

10 A Each porter have different schedules at different dates.
11 I don't have the exact schedule on top of my head. But they
12 sometimes most of them will start -- someone will start at 7
13 and someone will start at 9. It just depends on the day of the
14 schedule.

15 Q Okay. And then what time do they end?

16 A Once again, it just depends on when they start. They work
17 an eight hour or no -- 8 to 5 shift, so.

18 Q Okay. And then where are they clocking out?

19 A In the computer terminals at any Buena Park computer
20 terminal, they can do that.

21 Q And can you -- do you mind sharing their hourly rate?

22 Like the general range of their hourly rate?

23 A Anywhere from \$10 to \$13 is -- to \$14 is where we have
24 porters going to be located at on the pay rate there.

25 Q What interaction do you have with the shuttle drivers?

- 1 A Those are the service bay -- technician service bays.
- 2 Q Okay. And see where it has the number 6?
- 3 A Correct, I see it.
- 4 Q What is that?
- 5 A That is the lube or quick lube or express service
- 6 location.
- 7 Q Okay. And then how about number 4, what's that?
- 8 A That's the actual service drive.
- 9 Q Okay. Now, how often do you walk through the shop where
- 10 there's like number 5?
- 11 A I walk through the shop on a daily basis.
- 12 Q Okay. Why do you walk through the shop?
- 13 A It's -- I oversee the service department so it's part of
- 14 my department that I will walk through.
- 15 Q When you walk through, can you kind of describe your
- 16 general interaction -- like who do you interact with when
- 17 you're walking through?
- 18 A Everyone in the service department I interact with.
- 19 Q Do you participate in hiring lube technicians?
- 20 A I do.
- 21 Q When you hire lube technicians, what type of experience
- 22 are you looking for? What type of candidate are you looking
- 23 for?
- 24 A We're looking for individuals that have prior lube
- 25 technicians is what we prefer.

1 A That's one of our things that we do and they work with
2 technicians, service technicians hand on hand. We encourage
3 that when they have down time. Or sometimes when we're busy
4 and some service technicians need assistance, we would help
5 them out with that also, too. Lube technicians will work with
6 the service technicians.

7 Q Traditionally speaking, in what way do our lube
8 technicians usually receive the training that they need to
9 progress?

10 MS. GUIZAR: Excuse me? Vague and ambiguous. I don't
11 understand the question.

12 HEARING OFFICER VALENTINE: What progression are you
13 referring to?

14 MR. ADLONG: I can rephrase it if you want.

15 HEARING OFFICER VALENTINE: Is there some sort of
16 progression or --

17 MR. ADLONG: Yeah, I mean --

18 HEARING OFFICER VALENTINE: Okay.

19 MR. ADLONG: -- he said at the start of his testimony that
20 they want service technician -- they want lube technicians who
21 aspire to be service technicians. He said that.

22 HEARING OFFICER VALENTINE: Okay. But is there a formal
23 process by -- through which that happens?

24 MR. ADLONG: Well, we're trying to talk about it right
25 now.

1 HEARING OFFICER VALENTINE: It's received.

2 **(Employer Exhibit Number 9 Received into Evidence)**

3 Q BY MR. ADLONG: So turning your attention back to this
4 Employer Exhibit Number 1, in what parts of the service drive
5 do you see the lube technicians?

6 A Can you repeat that question again?

7 Q In what part, excuse me, in what part -- do you ever see
8 service technicians in areas outside of number 6?

9 A Yes.

10 Q Okay. How often?

11 A Daily.

12 Q Okay. Where else do you see them?

13 A They work throughout the whole shop. You know, they work
14 in the service bays on 5, on number 5. When they have an
15 upsell or additional recommendation, they would walk to the
16 service advisor and go to number 3. And they walk through the
17 parts department to collect parts or get parts like any other
18 regular technician would do.

19 Q How often do you see them interacting with the service
20 advisors?

21 A Daily basis.

22 Q How often do you see them interacting with parts?

23 A Multiple times on a daily basis.

24 Q Are you aware if lube technicians -- do you ever see lube
25 technicians helping service technicians on jobs?

1 A Yes.

2 Q Okay. How does that happen?

3 A If the main technician that is assigned to that particular
4 repair or to that particular line, he's working on the vehicle
5 and the lube technician would assist them on doing the repair.
6 That particular line would be booked out or flagged out to the
7 actual service technician.

8 Q Okay. And is that --

9 HEARING OFFICER VALENTINE: I'm sorry, can you repeat
10 that? I didn't understand that.

11 THE WITNESS: So if the service technician is assigned to
12 that line or to the repair order, so repair orders --

13 HEARING OFFICER VALENTINE: So they're assigned the entire
14 repair order, right?

15 THE WITNESS: Yes.

16 HEARING OFFICER VALENTINE: Okay.

17 THE WITNESS: Or and it could be assigned individual lines
18 also, too, within the lines.

19 HEARING OFFICER VALENTINE: And then other lines on the
20 repair order are assigned to other --

21 THE WITNESS: It could be a -- that can happen, yes.

22 HEARING OFFICER VALENTINE: Is that common?

23 THE WITNESS: Yes.

24 HEARING OFFICER VALENTINE: Like how often does that
25 happen?

1 Mike Salta previously for two-and-a-half years before Sonic
2 bought out Mike Salta.

3 Q What is your current position?

4 A Current position is parts manager.

5 Q How long have you had that position?

6 A Probably just shy of nine years, now.

7 Q Shy of nine years?

8 A Yes.

9 Q All right. Can you describe your job duties as a parts
10 manager, please?

11 A My job duties as a parts manager would be managing parts
12 personnel, maintaining inventory, dealing with American Honda
13 on any concerns that we have on backorder parts, assisting
14 service with any concerns having to do with parts. Also
15 dealing with wholesale and repair shops. We do quite a bit of
16 wholesaling -- wholesale, so we deal a lot with repair and body
17 shops.

18 Q Okay. What else do you do?

19 A There's actually quite a bit in the parts department. We
20 -- maintaining inventory, making sure that we don't have aged
21 inventory, making sure that we're stocking the correct parts
22 for service, or repair shops that need quick repairs. We do
23 core returns, we do part warranty returns, we do bin counts, we
24 do -- I mean, there's just a lot of aspects of the department
25 that we deal with.

1 Q Okay. So, are you familiar with parts driver?

2 A Yes.

3 Q Can you describe to us what a parts driver does?

4 A A parts driver primarily delivers parts to our wholesale
5 and body shops. We probably do about 120,000 in wholesale and
6 -- body and repair. So primarily his job is to make sure the
7 parts are delivered, and shops are getting taken care of.

8 Q What else does a parts driver do?

9 A A parts driver also assists in checking parts. We
10 normally have a daily stock order that comes in. We also order
11 parts for our body and repair shops, service, and retail
12 customers. They'll check in the order to verify that the parts
13 that were ordered arrived. Any stock order that needs to get
14 put away, they put away. And then they'll also prep for the
15 morning deliveries.

16 Q How about the counter person?

17 A Counter persons primarily are -- they deal with our
18 service customers, or our technicians and service advisors.
19 They do anything from price quotes, looking up parts, looking
20 up availability on parts, pulling parts for technicians, and
21 interacting with the service advisors sometimes for parts and
22 availability on certain parts that are needed to finish
23 customer's cars.

24 Q What else do they do?

25 A Counter people also help maintain the department for

1 different duties that we have as far as returning parts back to
2 Honda. Any parts that are requested by Honda. Maintaining
3 organization within the department so that we're efficient as
4 possible.

5 Q Are there shipping/receiving individuals in your
6 department?

7 A Yes.

8 Q Can you please explain for us what the shipping and
9 receiving does?

10 A Shipping/receiving normally will checking in the order.
11 Depending on how much wholesale and repair shop orders we have,
12 we might run an additional driver just to make sure that we get
13 parts out to customers. They also assist in working the
14 counter with either when counter people are on vacation,
15 lunchtimes or if we're really busy, we'll pull either the parts
16 driver or the shipping/handling person to assist up front so we
17 can, you know, get phone calls answered and make sure that
18 service technicians are getting taken care of.

19 Q Do they do anything else?

20 A Yeah, they'll deal with retail customers. They answer
21 phone calls. They interact with service advisors on certain
22 issues. If there's a particular part that is needed to finish
23 a customer's vehicle, we do pick up parts at other dealerships,
24 so sometimes we'll send them out for runs to make sure that we
25 get customers' vehicles done the same day, if possible.

1 MS. GUIZAR: Objection, asked and answered and cumulative.
2 If different from what's already been testified to?

3 HEARING OFFICER VALENTINE: I'm not sure it's been
4 testified to. Overruled.

5 THE WITNESS: Parts and service are looked at as a team.
6 The more efficient the parts department is the better it is for
7 the service department to complete the customers' vehicles.
8 It's important that the parts department is properly stocking
9 the correct inventory so that we don't have customers waiting
10 for parts that we don't have or that we have to order in for
11 them. So it's a team effort on both sides, comes hand in hand.

12 Q BY MR. ADLONG: I'm going to show you a document.

13 HEARING OFFICER VALENTINE: Employer's 19?

14 MR. ADLONG: This is Employer 19.

15 MS. GUIZAR: Yes.

16 Q BY MR. ADLONG: Do you recognize what this document is?

17 A Yes.

18 Q Can you tell me what it is, please?

19 A It's a repair order.

20 Q Okay. So this document you're looking at what's been
21 marked as Employers' Exhibit 19, can you give me the number of
22 the repair order, please?

23 A Repair number is going to be 544571.

24 Q What is the first task that's performed on this repair
25 order?

1 Q And how does he assign your work?

2 A The service advisor will write up the car and stamp it
3 shop or express. Then if it goes to shop, it will go to him
4 and he'll read the ticket and he'll assign it to the best
5 available tech at the time.

6 Q And how do you know that a service advisor will stamp the
7 write-up shop or express?

8 A Because the RO that I'm receiving will have the stamp.

9 Q Okay.

10 A And how do we -- I don't know how they determine. But
11 what I've seen is they determine based on if it's just an oil
12 change or a quick maintenance item such as trans services, air
13 filters, they'll submit it through the express lane. If it's
14 anything else such as recalls or anything major like a
15 drivability issue, then they'll submit it to the shop.

16 Q Okay. And Mr. Godoy assigns that to you?

17 A Yes.

18 Q Okay. How many techs are working on any particular day
19 total, service technicians?

20 A I'm thinking. On average anywhere from 12 -- I'll say ten
21 to 12.

22 Q And do you all work in one area?

23 A Yes.

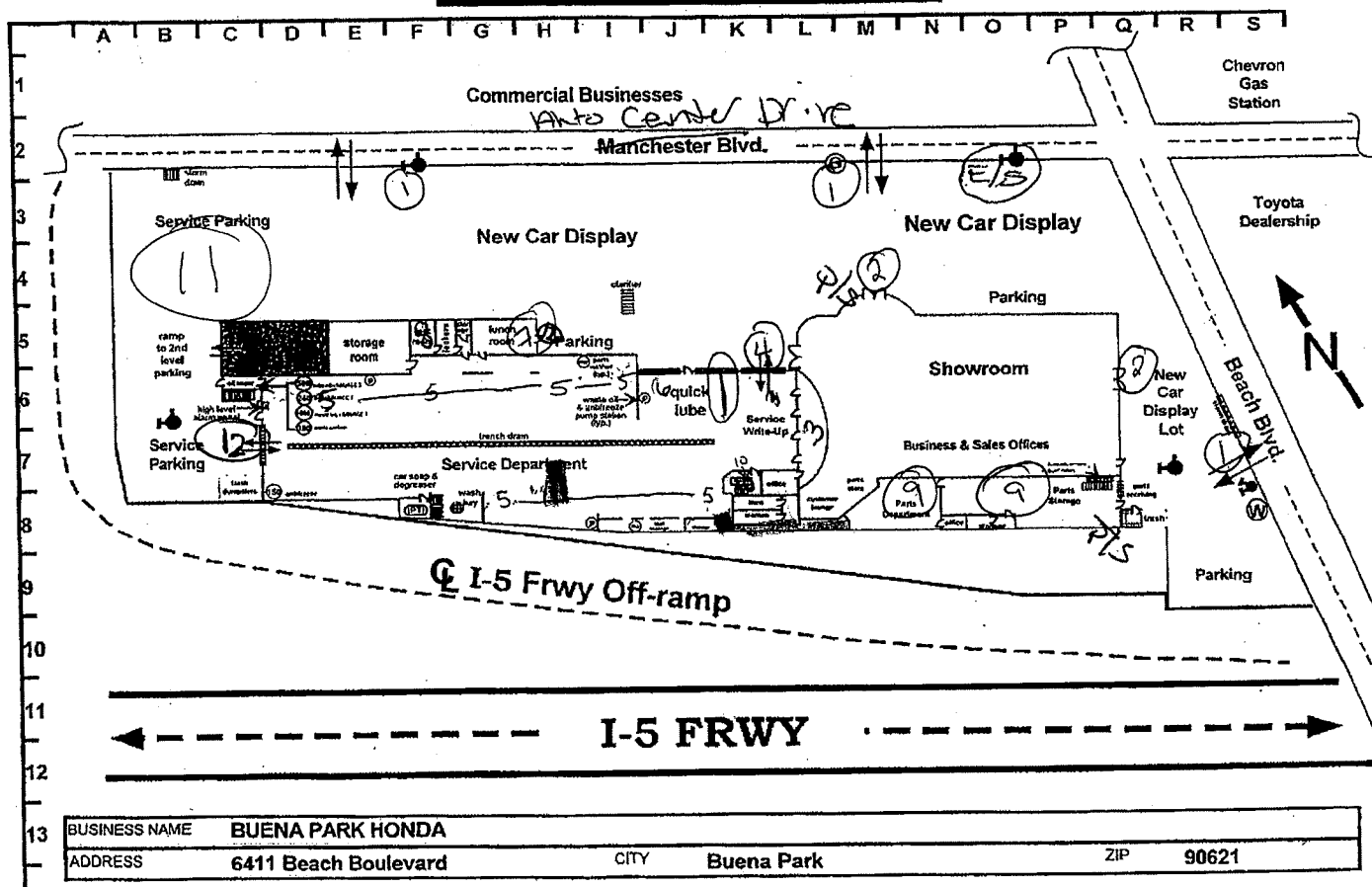
24 Q And which area is that?

25 A It's the service shop where earlier all the fives, those

EXHIBIT D

EXHIBIT D

FACILITY MAP



OK E-1

EXHIBIT NO. E-1 RECEIVED X REJECTED _____
21-RC-178527
CASE NO. _____ CASE NAME: Henda
NO. OF PAGES: 2 DATE: 9/28/16 REPORTER: He

COLLECTIVE BARGAINING AGREEMENT

BY AND BETWEEN

FAA CONCORD H, INC. dba
CONCORD HONDA

And

MACHINISTS AUTOMOTIVE TRADES DISTRICT LODGE NO. 190
OF NORTHERN CALIFORNIA

For And On Behalf Of

AUTOMOTIVE MACHINISTS LODGE NO. 1173,
INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS, AFL-CIO

622

EXHIBIT NO. E2 RECEIVED ☒ REJECTED

21-PC-178527

CASE NO.

CASE NAME: Sonic

NO. OF PAGES: 4

DATE: 6/29/16

REPORTER: T. Ray

A G R E E M E N T

between

**FAA CONCORD H, INC. dba
CONCORD HONDA**

and

**MACHINISTS AUTOMOTIVE TRADES DISTRICT LODGE NO. 190 OF NORTHERN
CALIFORNIA**

For And On Behalf Of

**AUTOMOTIVE MACHINISTS LODGE NO. 1173,
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
AFL-CIO**

May __, 2015 – May __, 2018

THIS AGREEMENT is made and entered into this ____ day of May 2015 by and between FAA CONCORD H, INC. dba CONCORD HONDA, first party, hereinafter called the "EMPLOYER," and the MACHINISTS AUTOMOTIVE TRADES DISTRICT LODGE NO. 190 OF NORTHERN CALIFORNIA, for and on behalf of MACHINISTS AUTOMOTIVE LODGE NO. 1173, I.A. OF M.A.W. OF CONCORD CALIFORNIA, hereinafter called the "UNION."

SECTION 1. **RECOGNITION OF THE UNION

1.1. The Employer hereby recognizes the Union as the sole collective bargaining agent for all technicians, Utility Techs, and Lube Technicians coming under the jurisdiction of the Union, exclusive of supervisory personnel.

SECTION 2. **WORK JURISDICTION

2.1. This Agreement shall cover all associates of the Employer who are employed in the classifications listed in this agreement.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals by their respective officers duly authorized to do so this ____ day of May 2015.

The undersigned warrants, asserts and agrees that this document is executed by him with full authority to represent and bind the organization of which he is an officer, representative or member coming under this Agreement.

EMPLOYER:

FAA CONCORD H, INC. dba CONCORD
HONDA

UNION:

MACHINISTS AUTOMOTIVE TRADES
DISTRICT LODGE NO. 190 OF NO.
CALIFORNIA, for and on behalf of
AUTOMOTIVE MACHINISTS LODGE
NO. 1173, I.A. of M.A.W.,
AFL-CIO

By: _____

By: _____



INTERACTIVE NETWORK

Service Manager

dealerlogix: Write Up

Back

Write Up

Actions

Fetch

History

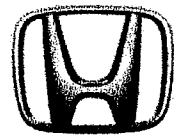
Next

Search

Vehicle

Vin: License Plate: Odometer: Last Odometer: Hat Tag: Make: Model: Year: Engine: Color: OEM:

Customer

Last/Business: First Name: Cell Phone: Home Phone: Email: Decline email: ☐Address: City: State: Zip Code: 


Type	Make	Model	Engine	Oil Selection	Service Interval
Maintenan	Honda	Civic	4 Cy	OW20	AL

Appointment Comments

New

Buena Park Honda

Phan Nou

EXHIBIT NO. E3 
21-RC-178257 RECEIVED _____ REJECTED _____
CASE NO. _____ CASE NAME: SONIC
NO. OF PAGES: 2 DATE: 6/29/16 REPORTER: T. 2A/

Back

Concerns

Actions

Maintenance Operations

No items to display

Disclaimer

Primary Concerns

+ Add

Opcode:	Labor Type:	Labor Hrs.:	Labor \$:	Parts \$:
ABN	IPS	0.00	0.00	0.00



CUSTOMER ADVISED THAT: THE VEHICLE MAY BE SUBJECT TO ONE OR MORE RECALLS AFFECTING THE DRIVERS AND/OR PASSENGERS FRONT AIRBAG INFLATORS. REDESIGNED AIRBAG INFLATORS ARE NOT AVAILABLE FOR INSTALLATION AT THIS TIME. ONCE THE

+ Add

Customer

First Name:

PARK HONDA

Last Name:

BUENA

Vehicle Information

VIN:

JHMZF1D46FS002940

Odometer:

0

Type:

Maintenance Minder

Make:

Honda

Model:

CR-Z

Engine:

4 Cyl

Oil Selection:

0W20

Service Interval:

No Interval Due

BUENA, PARK HONDA

Buena Park Honda

Phan Nou

EXHIBIT NO. EH RECEIVED ☒ REJECTED ☐
21-PC-17825-7
CASE NO. CASE NAME: SONIC

NO. OF PAGES: 2 DATE: 6/29/16 REPORTER: T. Ray

Back

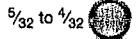
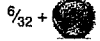
Walk Around

Actions

Tires



Tread Depth

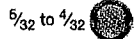
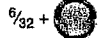


Tire Damage



No damage

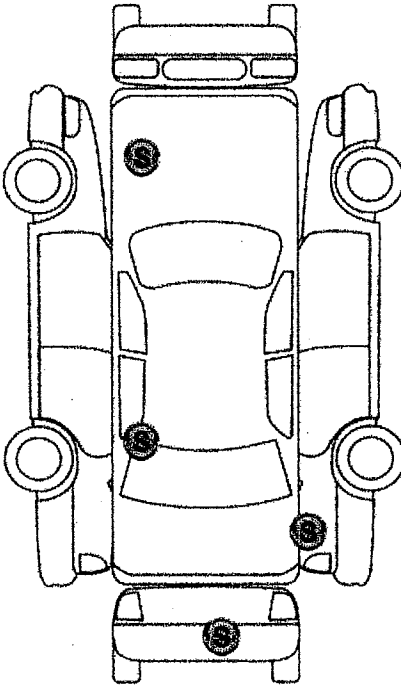
Tread Depth



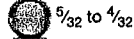
Tire Damage



No damage



Tread Depth

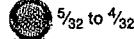


Tire Damage



No damage

Tread Depth



Tire Damage



- ☒ Dash Warning lights
- ☒ Front Lights
- ☒ Glass & Mirrors
- ☒ Wiper Blades
- ☒ Battery
- ☒ Coolant Recovery Reservoir
- ☒ Windshield Washer Fluid
- ☒ Brake Fluid
- ☒ Power Steering Fluid
- ☒ Engine Oil
- ☒ Drive Belts & Hoses
- ☒ Rear lights
- ☒ Personal Items Removed

BUENA, PARK HONDA

Buena Park Honda

Phan Nou

EXHIBIT NO. E5 RECEIVED ☒ REJECTED ☐
21-PC-178257
CASE NO. CASE NAME: Sonic
NO. OF PAGES: 2 DATE: 6/29/16 REPORTER: T. Ray

EXHIBIT E

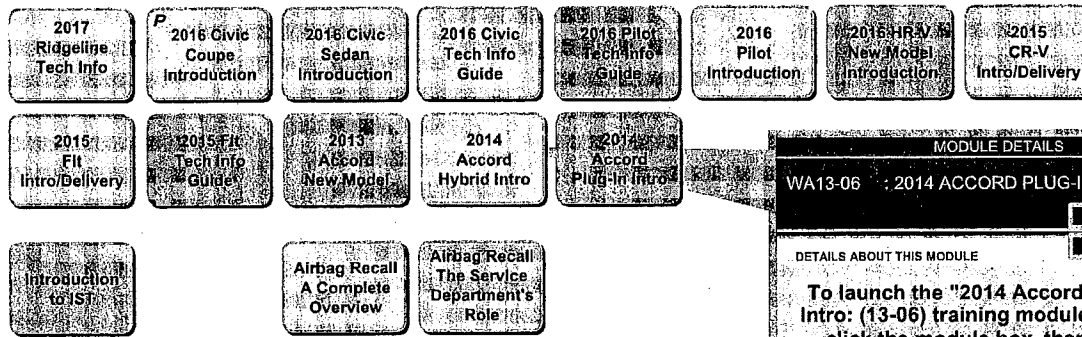
EXHIBIT E



VIEWS		
Title	No./Completion	Test

Print Refresh Menu Exit

New Model
Check the Course Catalog for previous generation new model modules.



MODULE DETAILS

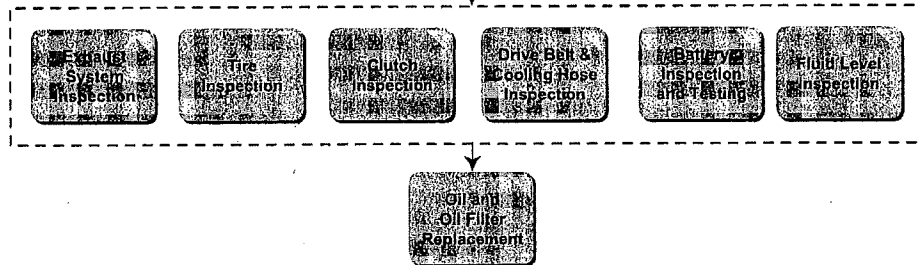
WA13-06 : 2014 ACCORD PLUG-IN INTRO

VIDEO
Video Link

DETAILS ABOUT THIS MODULE

To launch the "2014 Accord Plug-In Intro: (13-06) training module, please click the module box, then click VIDEO > Video Link

ExpressTech



Arrows denote module prerequisites.

	Training Completed
	Self Study Module
	Training Center Module
	TC Combined Module
	Multilingual Module

P#2

EXHIBIT NO. P2 RECEIVED ☒ REJECTED ☐
21-PC-170577
CASE NO. CASE NAME: SONIC
NO. OF PAGES: 2 DATE: 6/30/16 REPORTER: T. Ray